JOURNAL

OF THE

KENTUCKY SENATE

OF THE

COMMONWEALTH OF KENTUCKY

REGULAR SESSION OF 1952

VOL. II

Held in the State Capitol, in the Capital City of Kentucky, at Frankfort, in the Year of Our Lord 1952 and in the One Hundred and Fifty-Sixth Year of the Commonwealth

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Begun on the Eighth Day of January, 1952, and Adjourned Sine Die on the Twenty-First Day of March, 1952

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WEDNESDAY, FEBRUARY 20, 1952

The Senate convened and was called to order by the President Pro Tem of the Senate, Honorable Louis Cox, Senator.

The Senate was opened with prayer by Reverend Glenn H. Stephens, Pastor of the South Frankfort Presbyterian Church, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Doug Hays	Jack R. Reynolds
Bernard J. Bonn	Stanley Hoffman	Freeman Robinson
Eugene H. Clark	Dr. J. E. Johnson	William J. Sample
Augustus Cornett	Alvin Kidwell	Clay Shackleford
Louis Cox	Homer E. Losey	Leon Shaikun
Archie Craft	C. W. A. McCann	Cortis K. Stacy
Martin J. Duffy	James R. Mansfield	Paul Stapleton
Ernest M. Ford	Earl F. Martin	Otis C. Thomas
Wayne Freeman	Strother Melton	Sylvester Wagner
Julian Golden	Richard P. Moloney	Ed P. Warinner
James P. Hanratty	O. W. Montgomery	John M. Williams

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The following Senators were absent—

Thomas Hines	James Lassiter	E. V. Withers
Bert Kiser	Wendell Van Hoose	

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Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings for Tuesday, February 19, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

INTRODUCTIONS OF BILLS AND A RESOLUTION

Bills and a resolution of the following titles were introduced, viz:

By Senator McCann.

S. B. No. 214. AN ACT concerning regulation of the manufacture, sale, transportation, distribution and use of economic poisons and devices, including fungicides, rodenticides and herbicides.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Economic poison" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, bacteria, weeds, or other forms of plant or animal life or viruses (except viruses on or in living man or other animals) which the commissioner shall declare to be a pest;

(2) "Device" means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects or rodents or destroying, repelling, or mitigating fungi, bacteria, or weeds, or such other pests as may be designated by the commissioner, but not including simple, mechanical devices such as rat traps, or equipment used for the application of economic poisons when sold separately therefrom.

(3) "Insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects which may be present in any environment whatsoever;

(4) "Fungicide" means any substance or mixture of sub-

stances intended for preventing, destroying, repelling, or mitigating any fungi, or plant disease;

(5) "Rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal which the commissioner shall declare to be a pest;

(6) "Herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any weed;

(7) "Weed" means any plant which grows where not wanted;

(8) "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms as for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice, also nematodes and other worms, or any other invertebrates which are destructive, constitute a liability, and may be classed as pests;

(9) "Fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts, bacteria, and viruses, except those on or in living man or other animals;

(10) "Ingredient statement" or "guaranteed analysis statement" means either (a) a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the economic poisons; and, in addition, in case the economic poisons contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, each stated as elemental (metallic) arsenic; or (b) a statement of the name of each active ingredient in the descending order of percentages, together with the name of each and total percentage of the inert ingredients, if any there be, in the economic

poison (except option one shall apply if the preparation is highly toxic to man, determined as provided in section 6 of this Act);

(11) "Active ingredient" means an ingredient which will prevent, destroy, repel, or mitigate insects, fungi, rodents, weeds, or other pests;

(12) "Inert ingredient" means an ingredient which is not an active ingredient;

(13) "Antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment;

(14) "Person" means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not;

(15) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(16) "Registrant" means the person registering any economic poison pursuant to the provisions of this Act;

(17) "Label" means the written, printed, or graphic matter on, or attached to, the economic poison or device, or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the economic poison or device;

(18) "Labeling" means all labels and other written, printed or graphic matter:

(a) upon the economic poison or device or any of its containers or wrappers,

(b) accompanying the economic poison or device at any time,

(c) to which reference is made on the label or in literature accompanying the economic poison or device, except when accurate, non-misleading reference is made to current official publications of the Agricultural Experiment Station, the College of Agriculture of the University of Kentucky, the Department of Agriculture, Labor and Statistics, the Department of Health, or similar Federal institutions or other official agencies of this

state or other states when such agencies are authorized by law to conduct research in the field of economic poisons;

(19) "Adulterated" means any economic poison the strength or purity of which falls below the professed standard or quality as expressed on labeling or under which it is sold, or any substance of which has been substituted wholly or in part, or any valuable constituent of which has been wholly, or in part, abstracted;

(20) "Misbranded" shall mean any economic poison or device:

(a) the labeling of which bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(b) which is an imitation of or is offered for sale under the name of another economic poison;

(c) the labeling of which bears any false reference to registration under this Act;

(d) the accompanying labeling of which does not contain directions for use which are necessary and, if complied with, adequate for the protection of the public;

(e) the label of which does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals, vegetation, and useful invertebrate animals;

(f) the label of which does not bear an ingredient statement or guaranteed analysis statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement or guaranteed analysis statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase;

(g) in which any word, statement, or other information required by or under the authority of this Act to appear on the labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or

graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; or

(h) which, in the case of insecticide, fungicide, or herbicide, when used as directed or in accordance with commonly recognized safe practice, shall be injurious to living man or other vertebrate animals or vegetation, to which it is applied, or to the person applying such economic poison, excepting pests and weeds.

Section 2. It shall be unlawful for any person to distribute, sell, or offer for sale within the state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any of the following:

(1) Any economic poison which is not registered pursuant to the provisions of section 5 of this Act, or any economic poison if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of an economic poison differs from its composition as represented in connection with its registration; Provided, that, in the discretion of the commissioner, a change in the labeling or formula of an economic poison may be made, within a registration period, without requiring re-registration of the product; Provided further that changes at no time are permissible if they lower the efficacy of the product;

(2) Any economic poison, except in the registrant's or the manufacturer's unbroken immediate container, unless there is affixed to the container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing:

(a) the name and address of the manufacturer, registrant, or person for whom manufactured;

(b) the name, brand, or trade mark under which said article is sold; and

(c) the net weight or measure of the content subject, however to such reasonable variations as the commissioner may permit;

(3) Any economic poison which contains any substance or substances in quantities highly toxic to man, determined as provided in section six of this Act, unless the label shall bear, in addition to any other matter required by this Act.

(a) the skull and crossbones;

(b) the word "poison" prominently, in red, on a background of distinctly contrasting color; and

(c) a statement of an antidote for the economic poison.

(4) The economic poisons commonly known as lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium flousilicate, and barium flousilicate unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this Act, or any other white powder economic poison which the commissioner, after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration, shall by regulation, require to be distinctly colored or discolored; unless it has been so colored or discolored; Provided, that the Commissioner may exempt any economic poison, to the extent that it is intended for a particular use or uses, from the coloring or discoloring required or authorized by this subsection if he determines that such coloring or discoloring for such use or uses is not necessary for the protection of the public health;

(5) Any economic poison which is adulterated or misbranded, or any device which is misbranded.

Section 3. It shall be unlawful:

(1) For any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this Act or the rules and regulations promulgated hereunder, or to add any substance to, or take any substance from an economic poison in a manner that may defeat the purposes of this Act;

(2) for any manufacturer, distributor, dealer, carrier, or other person to refuse, upon a request in writing specifying the nature or kind of economic poison or device to which such request relates, to furnish to or permit any person designated by the commissioner to have access to and to copy such records of business transactions as may be essential in carrying out the purposes of this Act;

(3) for any person to give a guaranty or undertaking provided for in section eight which is false in any particular, except that a person who receives and relies upon a guaranty authorized under section eight may give a guaranty to the same effect, which guaranty shall contain in addition to his own name and address the name and address of the person residing in the United States from whom he received the guaranty or undertaking;

(4) for any person to use for his own advantage or to reveal, other than to the commissioner, or officials or employes of the state or officials or employes of the United States Department of Agriculture, or other Federal agencies, or to the courts in response to a subpoena, or to physicians, and in emergencies to pharmacists and other qualified persons, for use in the preparation of antidotes, in accordance with such directions as the commissioner may prescribe, any information relative to formulas of products acquired by authority of section five of this Act;

(5) for any person to oppose or interfere in any way with the commissioner or his duly authorized agents in carrying out the duties imposed by this Act.

Section 4. In addition to the remedies herein provided, the commissioner is hereby authorized to apply to an appropriate court for, and such court shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction restraining any person from violating any provision of section three, irrespective of whether or not there exists an adequate remedy at law.

Section 5. (1) Every economic poison which is distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within the state through any point outside this state shall

be registered with the commissioner. The commissioner may register and permit the sale of any such economic poison which has been duly registered without protest under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act, but products so registered shall be subject to the inspection fees provided for herein, and to all other provisions of this Act. All registration of products shall expire on the thirtieth day of June, following date of issuance, unless such registration shall be renewed annually, in which event expiration date shall be extended for each year of renewal registration, or until otherwise terminated; Provided that:

(a) products which have the same formula, and are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same economic poison may be registered as a single economic poison; additional names and labels shall be added by supplement statements during the current period of registration;

(b) within the discretion of the commissioner, or his authorized representative, a change in the labeling or formulas of an economic poison may be made within the current period of registration, without requiring a re-registration of the product, provided the name of the item is not changed.

(2) The registrant shall file with the commissioner, a statement containing:

(a) the name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

(b) the name of the economic poison;

(c) a complete copy of the labeling accompanying the economic poison and a statement of all claims made and to be made for it including directions for use; and

(d) if requested by the commissioner, a full description of the tests made and the results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information which is different

from that furnished when the economic poison was registered or last re-registered.

(3) The registrant, before selling or offering for sale any economic poison in this state, shall register each brand or grade of such economic poison with the department upon forms furnished by the department, and, for the purposes of defraying expenses connected with the enforcement of this Act, shall pay to the department an annual inspection fee of five ($5.00) dollars for each and every brand or grade to be offered for sale in this state. There shall be issued to the registrant by the department a license entitling the registrant to sell all duly registered brands in this state until the expiration of the license.

(4) The commissioner, whenever he deems it necessary in the administration of this Act, may require the submission of the complete formula of any economic poison. If it appears to the commissioner that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of this Act, he shall register the article.

(5) If it does not appear to the commissioner that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this Act, he shall notify the registrant of the manner in which the article, labeling, or other material required to be submitted fail to comply with this Act so as to afford the registrant an opportunity to make the necessary corrections.

(6) The commissioner is authorized and empowered to refuse to register, or to cancel the registration of, any brand of economic poison as herein provided, upon satisfactory proof that the registrant has been guilty of fraudulent and deceptive practices in evasions or attempted evasions of the provisions of this Act or any rules and regulations promulgated thereunder; Provided, that no registration shall be revoked or refused until the registrant shall have been given a hearing by the commissioner.

(7) Notwithstanding any other provision of this Act, regis-

tration is not required in the case of an economic poison shipped from one plant within this state to another plant within this state operated by the same person.

Section 6. The commissioner is authorized, after opportunity for a hearing,

(1) to declare as a pest any form of plant or animal life or virus which is injurious to plants, man, domestic animals, articles, or substances;

(2) to determine whether economic poisons are highly toxic to man;

(3) to determine standards of coloring or discoloring for economic poisons, and to subject economic poisons to the requirements for coloration or discoloration imposed by this Act;

The Commissioner is further authorized:

(1) to effect the collection and examination of samples of economic poisons and devices to determine compliance with the requirements of this Act; and he shall have the authority at all reasonable hours to enter into any car, warehouse, store, building, boat, vessel or place supposed to contain economic poisons, or devices, for the purpose of inspection or sampling, and to procure samples for analysis or examination from any lot, package or parcel of economic poison, or any device;

(2) to publish from time to time, in such forms as he may deem proper, complete information concerning the sale of economic poisons, together with such data on their production and use as he may consider advisable, and reports of the results of the analyses based on official samples of economic poisons sold within the State;

(3) to make, promulgate, alter, change, rescind such rules, regulations, and standards relating to the sale and distribution of economic poisons as he may find necessary to carry into effect the full intent and meaning of this Act;

(4) to cooperate with, and enter into agreements with, any other agency of this state, the United States Department of Agriculture, and any other state or agency thereof for the pur-

pose of carrying out the provisions of this Act and securing uniformity of regulations.

Section 7. (1) If it shall appear from the examination or evidence that any of the provisions of this Act or the rules and regulations issued thereunder have been violated, the commis- registrant, distributor, and processor from whom any sample or evidence was taken. Any party so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed by the commissioner. If it appears after such hearing that there has been a sufficient number of violations of this Act or the rules and regulations issued thereunder, the commissioner may certify the facts to the Commonwealth's attorney or the county attorney or the city attorney for the county or city in which the violation shall have occurred and furnish that officer with a copy of the results of any examination of such sample duly authenticated by the officer making the examination. It shall be the duty of every such attorney to whom the commissioner shall report any violation of this Act to cause proceedings to be prosecuted without delay for the fines and penalties in such cases. Any person convicted of violating any provision of this Act or the rules and regulations issued thereunder shall be adjudged guilty of a misdemeanor and shall be punished in the discretion of the court.

(2) Nothing in this section shall be construed as requiring the commissioner to report minor violations for the institution of proceedings under this Act, whenever the commissioner believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

Section 8. The penalties provided for violations of section 2 of this Act shall not apply to:

(1) any carrier, while lawfully engaged in transporting an economic poison within this state, if such carrier shall, upon request, permit the commissioner or his designated agent to copy all records showing the transactions in and movements of the articles;

(2) public officials of this state and of the Federal government engaged in the performance of their official duties;

(3) the manufacturer or shipper of an economic poison for experimental use only:

(a) by or under the supervision of an agency of this state or of the Federal government authorized by law to conduct research in the field of economic poisons; or

(b) by others if the economic poison is not sold and if the container thereof is plainly and conspicuously marked "for experimental use only—Not to be sold," together with the manufacturer's name and address: Provided, however, that if a written permit has been obtained from the commissioner, economic poisons may be sold for experimental purposes subject to such restrictions and conditions as may be set forth in the permit;

(4) any person who establishes a guaranty signed by, and containing the name and address of, the registrant or person residing in the United States from whom he purchased and received in good faith the article in the same unbroken package, to the effect that the article was lawfully registered at the time of sale and delivery to him, and that it complies with the other requirements of this Act, designating this Act. In such case the guarantor shall be subject to the penalties which would otherwise attach to the person holding the guaranty under the provisions of this Act.

(5) any preparation, drug, or chemical intended to be used or sold solely for medicinal use or for toilet purposes.

Section 9. It shall be the duty of the commissioner to issue and enforce a written or printed "stop sale, use, or removal" order to the owner or custodian of any lot of economic poison and to hold at a designated place when the commissioner finds said economic poison is being offered or exposed for sale in violation of any of the provisions of this Act until the law has been complied with and said economic poison is released in writing by the commissioner or said violation has been otherwise legally disposed of by written authority; provided that the owner or custodian of such economic poison shall have the right to appeal from such order to a court of competent jurisdiction in the county where the said economic poison or poisons are found, praying for a judgment as to the justification of said order, and for the discharge of such economic poison from the order pro-

hibiting the sale in accordance with the findings of the court; and provided further that the provisions of this paragraph shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other provisions of this Act. The commissioner shall release the economic poison so withdrawn when the requirements of the provisions of this Act have been complied with and upon payment of all costs and expenses incurred in connection with the withdrawal.

Section 10. Any lot of economic poison not in compliance with the provisions of this Act shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the county in which said economic poison is located. In the event the court finds the said economic poison to be in violation of this Act and orders the condemnation of said economic poison, it shall be disposed of in any manner consistent with the quality of the economic poison and the laws of the state; Provided, that in no instance shall the disposition of said economic poison be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said economic poison or for permission to process or relabel said product to bring it into compliance with this Act.

Section 11. All authority vested in the commissioner by virtue of the provisions of this Act may, with like force and effect, be executed by such employes of the department as the commissioner may from time to time designate for said purpose.

Section 12. All funds collected under the provisions of this Act shall be paid into the State Treasury and credited to the department's agency fund account.

By Senator Kidwell.

S. B. No. 215. AN ACT relating to the construction of bridges by adjoining states over boundary line streams between this state and another and the reciprocal exemption thereof from taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That any bridge built by an adjoining state over a boundary line stream between this state and such adjoining state, if not operated for a profit, and if connecting with a primary highway of this state, is declared to be public property used for public purpose and exempt from taxation unless the adjoining state taxes similar bridges built by this Commonwealth in like manner.

Section 2. The issuance of bonds for the purpose of amortizing the cost of construction of such bridge as is described in section (1) hereof shall not affect the tax exemption granted in that section.

By Senator Kidwell.

S. B. No. 216. AN ACT relating to gambling devices.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) As used in this Act the term "gambling device" means any slot machine or any other machine or mechanical device, an essential part of which is a drum or reel with insignia thereon which when operated may deliver as a result of an element of chance, any money, property, or other thing of value, or by the operation of which a person may become entitled to receive as the result of the application of an element of chance, any money, property, or other thing of value, or any other machine or mechanical device designed or manufactured to operate by means of the insertion of a coin, token, or other similar object so that when operated it may deliver as the result of the application of an element of chance, any money, property, or other thing of value; or any sub-assembly or essential part intended to be used in connection with any such machine or mechanical device.

(2) "Gambling device" as used herein shall not include any machine as defined in subsection (5) of KRS 436.230.

Section 2. It shall be unlawful to own, possess, or exhibit any gambling device in this state.

Section 3. It shall be unlawful to knowingly transport any gambling device for delivery within the Commonwealth of Kentucky.

Section 4. Any gambling device may be seized by any peace officer of the Commonwealth of Kentucky or any subdivision thereof, and shall be seized and destroyed as other gambling implements are required to be seized and destroyed under the provisions of KRS 436.280.

Section 5. Any person who violates any of the provisions of this Act shall be fined not less than five hundred dollars nor more than five thousand dollars and confined in the penitentiary for not less than one year nor more than three years.

Section 6. Whereas, it is vitally important to the peace and welfare of the Commonwealth of Kentucky that gambling be suppressed at the earliest date, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

By Senator Warinner.

S. B. No. 217. AN ACT consolidating the master commissioners' office and the circuit court clerk's office in certain judicial districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The offices of master commissioner and circuit court clerk in judicial circuits not having a court of continuous session shall be consolidated, but the office of circuit court clerk shall be retained; and the circuit court clerk shall hereafter perform the duties of the master commissioner and receive the compensation attached thereto.

Section 2. This Act shall become effective on the first Monday in January, 1958.

By Senators Craft, Montgomery, Thomas, Losey, and Warinner.

S. B. No. 218. AN ACT relating to alcoholic beverage licenses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 243.100 of the Kentucky Revised Statutes is amended to read as follows:

No person shall become a licensee under KRS 243.020 to 243.670 who:

(1) Has been convicted of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages, or any felony, within five years preceding the application;

(2) Is under the age of twenty-one years;

(3) Is not a citizen of the United States and has not had an actual, bona fide residence in this state for at least one year before the date on which his application for a license is made. This subsection shall not apply to applicants for manufacturers' licenses, to applicants that are corporations authorized to do business in this state or to persons licensed on March 7, 1938.

(4) Is a partnership or corporation, unless each member of the partnership or each of the directors, principal officers, managers and employes of the corporation has not been convicted of any misdemeanor directly attributable to the use of alcoholic beverages, or a felony, is twenty-one years of age or more and is a citizen of the United States;

(5) Has had any license issued under this statute relating to the regulation of the manufacture, sale and transportation of alcohol beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction; or

(6) Is a partnership or corporation, if any member of the partnership or any director or principal officer of the corporation has had any license issued under any statute relating to the regulation of the manufacture, sale and transportation of alcoholic beverages, revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) No person who has been issued a distilled spirits and wine retail drink or package license under the provisions of KRS Chapter 243 shall employ or allow to be employed on the licensed premises any person who has been convicted of a felony within the previous five years.

(2) Any licensee violating the provisions of subsection (1) shall be fined not less than fifty dollars nor more than five hundred dollars.

By Senator Wagner.

S. B. No. 219. AN ACT concerning consolidation of counties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Except with respect to circuit court districts wherein consolidation shall not become effective until the first Monday in January, 1958, consolidation of counties for all purposes on the first Monday in January, 1954 shall be as follows:

(1) Fulton, Graves and Hickman.
(2) Ballard, Carlisle and McCracken.
(3) Calloway and Trigg.
(4) Livingston, Lyon and Marshall.
(5) Crittenden and Caldwell.
(6) Union and Henderson.
(7) Webster and Hopkins.
(8) Hancock, Daviess and McLean.

(9) Muhlenberg and Todd.
(10) Simpson and Logan.
(11) Butler and Ohio.
(12) Meade and Breckinridge.
(13) Hardin and Larue.
(14) Grayson and Hart.
(15) Edmonson and Warren.
(16) Barren and Allen.
(17) Monroe and Cumberland.
(18) Adair, Green and Metcalfe.
(19) Taylor, Marion and Washington.
(20) Bullitt, Nelson and Spencer.
(21) Jefferson, Oldham and Shelby.
(22) Carroll, Henry, Owen and Trimble.
(23) Anderson, Franklin, Scott and Woodford.
(24) Boyle, Garrard, Jessamine and Mercer.
(25) Casey and Lincoln.
(26) Pulaski and Russell.
(27) Clinton and Wayne.
(28) McCreary and Whitley.
(29) Laurel and Rockcastle.
(30) Estill, Madison and Powell.
(31) Bourbon, Fayette and Clark.
(32) Bracken, Harrison, Pendleton and Robertson.
(33) Boone, Campbell, Gallatin, Grant and Kenton.
(34) Mason, Fleming and Rowan.
(35) Bath, Menifee, Montgomery and Nicholas.
(36) Morgan, Magoffin and Wolfe.
(37) Jackson, Lee and Owsley.
(38) Clay and Leslie.
(39) Bell and Knox.
(40) Harlan and Letcher.
(41) Knott and Floyd.
(42) Johnson, Lawrence and Martin.
(43) Boyd, Carter and Elliott.
(44) Breathitt and Perry.
(45) Greenup and Lewis.

Section 2. On or about January 1, 1953, the county judge of each county to be consolidated shall appoint a qualified voter

of such county to serve as representative of such county on a commission composed of such representatives from each county in the group to be consolidated pursuant to section 1 of this Act. No person who has held an elective or appointive office or who has been an employe of any governmental unit within this state during the preceding five years shall be appointed to any such commission.

Section 3. Within one week after appointment of representatives pursuant to Section 1 of this Act, the commissions composed of such representatives shall meet at such time and place as may be agreed upon by the members and shall proceed to:

(1) Select not less than two nor more than five names for the new county;

(2) Select not less than two nor more than five locations for the county seat of the new county;

(3) Devise a plan for the combination of the fiscal affairs of the several counties to be combined;

(4) Divide the county into districts for the election of members of the fiscal court for the new county;

(5) Provide for other necessary combinations of the county governmental operations in such manner as may be prescribed by law not inconsistent with the provisions of this Act.

Section 4. Within ninety days after appointment of representatives of the counties to be consolidated, the commissions shall file their reports with the county judges of such counties. In the event the members of the commissions are unable to agree with respect to all or any of the matters before them for consideration pursuant to Section 3 of this Act, such matters shall be referred to the state local finance office of the Department of Revenue for decision which shall be final. Any such decision by a state local finance officer shall be rendered within fifty days after a matter has been referred to him.

Section 5. At the regular election at which county officers are elected next after the date of filing of the reports prescribed by Section 4 of this Act, an election shall be held pursuant to

the provisions of KRS 67.260 for the purpose of selecting a name for the new county and the location of a county seat.

Section 6. The election of members of the General Assembly following the consolidation herein provided shall be done as follows:

(1) The members of the House of Representatives selected from each of the newly consolidated counties shall be the total of the representatives now elected separately by the counties so consolidated. In the event that certain present representative districts are separated by this consolidation the representative will go to the new county in which the old county with the largest population is placed.

(2) The members of the Senate selected from each of the new counties will be the total of the Senators selected from each of the present counties. In the event that certain senatorial districts are separated by the consolidation effected by this Act the new county shall be considered as part of the Senatorial district in which the old county with the largest population was a part.

Section 7. Each newly formed county will be considered as part of the Congressional district in which the counties making up each newly formed county were a part. In the event that counties making up the newly formed counties were in different districts the newly formed county shall be considered as part of the district in which the old county with the largest population was a part.

Section 8. Sections 67.190 through 67.250 are hereby repealed.

Section 9. Section 67.280 of the Kentucky Revised Statutes is amended to read as follows:

Where the old counties were in the same circuit court, judicial, or railroad commissioner district or districts, the new county shall remain in the same district or districts. Where the old counties were not in the same district or districts, the new county shall be placed in the circuit court, judicial, or railroad

commissioner district or districts, respectively, in which the old county, having the largest population, was located.

Section 10. The provisions of KRS 67.260 through 67.300 shall apply to consolidation of counties under the provisions of this Act.

By Senator Warinner.

S. Res. No. 26. A RESOLUTION petitioning the members of the Senate and the House of Representatives of the Congress of the United States from Kentucky to sponsor and support a nation-wide uniform marriage license act.

Said resolution is as following, viz:

WHEREAS, it is to the best interests of the nation as a whole that each marriage entered into should be encouraged in every manner to be happy, successful and lasting; and

WHEREAS, the General Assembly of the Commonwealth of Kentucky has shown recognition of this fact by requiring a blood test of every applicant for a marriage license and by discouraging "quick marriages" by requiring a three-day waiting period between the date of application for a license and actual issuance of the license; and

WHEREAS, the less restrictive marriage license laws of several states bordering on Kentucky are resulting in the circumvention of the laws of this state by Kentucky couples traveling across the state line to obtain "quick marriages"; and

WHEREAS, the citizens of Kentucky are also suffering a financial loss which would otherwise accrue to them were marriage license laws uniform throughout the nation,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That each and every member of the Congress of the United States from the Commonwealth of Kentucky is hereby petitioned to sponsor and support in Congress a nation-wide uniform marriage license act which would require a blood test of each applicant for a marriage license and a three-day

waiting period between date of application for a license and actual issuance of the license.

Section 2. That the clerk of the Senate of the Commonwealth of Kentucky is directed to forward a copy of this Resolution to each of the two senators and eight members of the House of Representatives of the United States Congress from Kentucky and to the Vice-President of the United States.

By Senator Mansfield.

S. B. No. 220. AN ACT relating to the establishment of loading and unloading sites for school busses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) As used in this Act, "highway" means every Way or place open to use of the public, as a matter of right, for purposes of vehicular traffic.

(2) The Department of State Police shall, on all highways traveled by busses transporting children to and from the common schools of this state, select and establish sites where school busses may stop and load and unload. Such sites shall be selected on the basis of safety to the children and to other traffic on the highways and not on the basis of convenience to the children or other persons.

(3) After the bus stop sites are selected and established by the Department of State Police and upon notice of the locations the Department of Highways shall put up proper signs designating each location as a "SCHOOL BUS STOP," and shall erect thereon adequate shelter houses where necessary.

(4) After the provisions of subsections (2) and (3) have been complied with, no driver of a school bus shall stop at any place on a highway other than a designated stopping site for the purpose of loading or unloading children, nor shall any school official, teacher or other person having supervision of such driver order him to stop at any other place for such purpose.

(5) Any person violating the provisions of subsection (4)

shall be fined not less than twenty dollars nor more than one hundred dollars.

Ordered that said bills and resolution be printed and referred.

CALENDAR

The Senate then took up for consideration from the Calendar a bill, with amendment by way of committee substitute, of the following title, viz:

S. B. No. 132. AN ACT authorizing certain cities and counties to contribute public funds for charitable and welfare purposes.

Ordered that said bill, with amendment by way of committee substitute, be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill, with amendment by way of committee substitute, be dispensed with and same be read for the second time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the second reading at length of said bill, with amendment by way of committee substitute, having been dispensed with, said bill, with amendment by way of committee substitute, was read for the second time by its title only and

Ordered place in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill, with committee amendment, of the following title, viz:

H. B. No. 1. AN ACT relating to the issuance of duplicate game, hunting and fishing licenses and tags, where such original license or tag is lost or destroyed; providing fees for such duplicates.

Ordered that said bill, with committee amendment, be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill, with committee

amendment, be dispensed with and same be read for the second time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the second reading at length of said bill, with committee amendment, having been dispensed with, said bill, with committee amendment, was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill, with committee amendment, of the following title, viz:

S. B. No. 150. AN ACT relating to Workmen's Compensation.

Ordered that said bill, with committee amendment, be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill, with committee amendment, be dispensed with and same be read for the second time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the second reading at length of said bill, with committee amendment, having been dispensed with, said bill, with committee amendment, was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 4. AN ACT changing the Classification of the City of Elsmere, in Kenton County.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 15. AN ACT changing the classification of the city of Worthington, in Greenup County.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 169. AN ACT concerning annexation of territory to cities of the third class.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 204. AN ACT changing the classification of the City of Danville, in Boyle County.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 202. AN ACT changing the classification of the City of Loyall, in Harlan County.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 204. AN ACT relating to the acquisition of in-

dustrial buildings and equipment by cities, amending section 103.200 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 42. AN ACT relating to the reappraisal of property for ad valorem taxes in cities, counties and other taxing districts.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. Res. No. 12. A RESOLUTION concerning Fair Trade Laws.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as

to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 196. AN ACT relating to boards of park commissioners in cities of the second class.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 145. AN ACT relating to unemployment insurance and amending KRS 341.030 (5), (6) and (7), KRS 341.090 (3); KRS 341.145, KRS 341.200; KRS 341.230; KRS 341.260; KRS 341.270; KRS 341.300; KRS 341.310; KRS 341.370; (4) and (5); KRS 341.380; KRS 341.390; KRS 341.420; (3); KRS 341.540; and KRS 341.990 (5).

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 174. AN ACT relating to sewer and drainage facilities in cities of the first class.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 175. AN ACT relating to sewer and drainage facilities in cities of the first class and in counties containing such cities, amending and re-enacting Sections 76.030, 76.080, 76.130, 76.170, and 76.180, Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second

reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 179. AN ACT relating to tuberculosis sanatoria operated by City-County Boards of Health in counties containing a city of the First Class.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 180. AN ACT relating to insurance rates, amending KRS 304.603 and KRS 304.627.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 189. AN ACT concerning school building funds.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 192. AN ACT relating to off-street parking facilities in certain cities.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 193. AN ACT relating to Off-Street parking facilities in Cities of the first and second class, providing for an alternate plan for acquisition.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 230. AN ACT relating to the use of certain funds for the acquisition of space for the Division of Unemployment Insurance and the Department of Economic Security; amending KRS 341.245.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 226. AN ACT further empowering the Commissioner of Highways to establish certain highways through fourth, fifth, and sixth class cities.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as

to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 227. AN ACT relating to the Department of Welfare, amending Section 439.100 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 151. AN ACT concerning organization and government of cities of the first class and agencies thereof, repealing Sections 69.420, 91.010, 91.030, 91.040, 91.050, 91.070, 93.030 (2) and (3), 93.040, 93.130, 93.140, 93.150, 93.160, 93.170, 93.180, 93.190, 93.200, 93.210, 93.220, 93.230, 93.240, 93.250, 93.260, 93.270, 95.080, 95.100, 95.110, 95.120, 95.130, 95.140, 95.150 (2), (3), (4) and (5), 95.190, 95.220, 95.230, 95.240, 95.250, 95.260, 95.280, 95.300, 95.310, 95.320, 95.330, 95.340, 95.350, 95.360, 95.370, 95.380, 95.390, 95.400, 95.410, 95.420, 97.254,

97.256, 97.258 and 98.020 of the Kentucky Revised Statutes and amending Sections 93.060, 93.110, 93.120, 95.160, 95.180, 95.200 and 95.290 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 58. AN ACT relating to zoning and planning in cities of the second class and in counties containing such a city.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 166. AN ACT relating to city-county boards of health established by KRS 212.350; and providing for the recovery by such boards of fees and charges for treatment, care

and services rendered by institutions operated and maintained by such boards to patients able to pay therefor, and creating subrogation rights in such boards against persons liable to such patients.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 169. AN ACT relating to actions and proceedings in Circuit Courts having two judges, amending Sections 24.080 and 24.150 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 173. AN ACT relating to sewers and drains in counties in which metropolitan sewer districts have been established.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 165. AN ACT relating to inquest, commitment and discharge of incompetent persons, amending Section 202.080 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 146. AN ACT relating to appointment of members of the board of trustees of the University of Kentucky.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 198. AN ACT amending KRS 45.280, relating to Petty Cash Funds of State Budget Units.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 224. AN ACT relating to child labor.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 231. AN ACT relating to the selection and adoption of textbooks for use in public schools.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 271. AN ACT relating to the taxation of special fuels.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 216. AN ACT relating to alleged mental incompetents.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 95. AN ACT relating to qualifications, registration and purgation of voters.

With Committee Amendments as follows:

Com. Amendment No. 1 to House Bill No. 95

By striking from the printed copy Sub-section 4, of Section 9, in its entirety, as the same appears on page 10, lines 40 to 49 inclusive, and inserting in lieu thereof the following:

"(4) Every supplier of gas, water, telephone service and electric current operating in the county shall on the fifth business day of each month furnish to the county court clerk a certified report containing the names of all persons for whom, during the calendar month immediately preceding, gas, water, electric current or telephone service has been installed, moved to another location or discontinued, with the address at which the services were so installed, removed or discontinued. Such information shall be treated as confidential and shall be used by the clerk and county board only for the purpose of correcting its records as provided in this Section."

Com. Amendment No. 2 to House Bill No. 95

By striking from the printed bill all of Sub-section 3, of Section 28, as the same appears on lines 16 and 17, on page 22, and on lines 18 to 29 inclusive on page 23, and inserting in lieu thereof the following:

"(3) Every gas, water, electric light and telephone company operating in a city of the first class, shall, on the fifth business day of each month, furnish to the board of registration commissioners a certified report containing the names of all persons for whom, during the calendar month immediately preceding, gas, water, electric light or telephone service has been installed, moved to another location or discontinued, with the address at which the services were so installed, removed or discontinued. Such information shall be treated as confidential and shall be used by the board only for the purpose of correcting its records as provided in this Section. Every department of the city shall, every Monday, furnish the board with the names and addresses of all persons who have, to the official knowledge of the department, moved during the preceding week."

Senator Moloney moved the adoption of Committee Amendment No. 1.

Said motion was agreed to.

Senator Moloney moved the adoption of Committee Amendment No. 2.

Said motion was agreed to.

Thereupon said Committee Amendments were adopted.

Senator Moloney offered amendments numbers 3 and 4, as follows, viz:

Amendment No. 3.

Amend printed copy of H. B. No. 95 on page 15, section 17, line 13

By striking the work "major", and inserting the word "mayor" therefor.

Amendment No. 4.

Amend printed copy of H. B. No. 95 on page 15, section 17, line 23

By striking the word "major", and inserting the word "mayor" therefor.

Senator Moloney moved the adoption of Amendment No. 3.

Said motion was agreed to.

Senator Moloney moved the adoption of Amendment No. 4.

Said motion was agreed to.

Thereupon said amendments were adopted.

Senator Kidwell moved the adoption of Amendment No. 5, which was as follows:

Amend printed copy of H. B. No. 95 on page 12, section 11, line 1-5, inclusive

By striking all of subsection (1).

The yeas and nays being taken on said amendment were as follows, viz:

Those who voted in the affirmative were—

Augustus Cornett	Alvin Kidwell	John M. Williams	
Ernest M. Ford	O. W. Montgomery	E. V. Withers	
Julian Golden	Clay Shackleford		—10
Doug Hays	Cortis K. Stacy		

Those who voted in the negative were—

H. Stanley Blake	Thomas Hines	Jack R. Reynolds	
Bernard J. Bonn	Stanley Hoffman	Freeman Robinson	
Eugene H. Clark	Dr. J. E. Johnson	Leon Shaikun	
Louis Cox	James Lassiter	Paul Stapleton	
Martin J. Duffy	C. W. A. McCann	Wendell Van Hoose	
Wayne Freeman	Earl F. Martin	Sylvester Wagner	
James P. Hanratty	Richard P. Moloney		—20

Thereupon said Amendment No. 5 was rejected.

Senator Freeman moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendments, be read at length the third time.

Senator Moloney moved that the Constitutional provision as

to the third reading at length of said bill, with amendments, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendments, having been dispensed with, said bill, with committee amendments, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendments, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Thomas Hines	Freeman Robinson
Bernard J. Bonn	Stanley Hoffman	William J. Sample
Eugene H. Clark	Dr. J. E. Johnson	Clay Shackleford
Augustus Cornett	James Lassiter	Leon Shaikun
Louis Cox	Homer E. Losey	Cortis K. Stacy
Archie Craft	C. W. A. McCann	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Otis C. Thomas
Ernest M. Ford	Earl F. Martin	Wendell Van Hoose
Wayne Freeman	Strother Melton	Sylvester Wagner
Julian Golden	Richard P. Moloney	Ed P. Warinner
James P. Hanratty	O. W. Montgomery	John M. Williams
Doug Hays	Jack R. Reynolds	E. V. Withers

—36

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendments, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 131. AN ACT to repeal, amend and reenact sections 278.130, 278.190, 278.290, 278.410, and 278.450 Kentucky Revised Statutes, which sections relate to the regulation of utilities, and declaring an emergency to exist.

With the following committee amendments, viz:

Committee Amendment No. 1 to Senate Bill No. 131

By striking from Section 2, page 2 of line 15, the words

"full hearings"

and inserting in lieu thereof the words

"such hearing".

Committee Amendment No. 2 to Senate Bill No. 131

By striking therefrom all of the subject matter appearing in Section 2, on page 3 of the printed copy, lines 20, 21, 22 and the word "period" on line 23, and inserting in lieu thereof the following:

"order made at the expiration of such five months the utility may place the proposed change of rate, charge, classification or service in effect at the end of such period after notifying the commission, in writing, of it's intention so to do."

Committee Amendment No. 3 to Senate Bill No. 131

By striking from the printed copy all of the subject matter appearing in Section 2, page 3, on lines 25, 26, 27 and the words and punctuation "are paid," on line 28, and inserting in lieu thereof the following:

"terested utility or utilities to maintain their records in such manner as will enable them, or the Commission, or any of its customers, to determine the amounts to be refunded and to whom due in the event a refund is ordered."

Committee Amendment No. 4 to Senate Bill No. 131

By inserting a new sentence following the word "instructions" in Section 5, page 7, at the end of line 8, as follows:

"Any final order of the Commission, on remand of the proceedings, shall be subject to court review in the same manner as any other final order of the Commission."

Senator Moloney moved the adoption of Committee Amendment No. 1.

Said motion was agreed to.

Senator Moloney moved the adoption of Committee Amendment No. 2.

Said motion was agreed to.

Senator Moloney moved the adoption of Committee Amendment No. 3.

Said motion was agreed to.

Senator Moloney moved the adoption of Committee Amendment No. 4.

Said motion was agreed to.

Thereupon said amendments were adopted.

Senator Freeman moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with Committee Amendments, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with Committee Amendments, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with Committee Amendments, being dispensed with, said bill, with Committee Amendments, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with Committee Amendments, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Archie Craft	Julian Golden
Bernard J. Bonn	Martin J. Duffy	James P. Hanratty
Eugene H. Clark	Ernest M. Ford	Doug Hays
Louis Cox	Wayne Freeman	Thomas Hines

Stanley Hoffman	Richard P. Moloney	Otis C. Thomas
Dr. J. E. Johnson	O. W. Montgomery	Wendell Van Hoose
Alvin Kidwell	Jack R. Reynolds	Sylvester Wagner
James Lassiter	William J. Sample	Ed P. Warinner
Homer E. Losey	Clay Shackleford	John M. Williams
C. W. A. McCann	Leon Shaikun	E. V. Withers
Earl F. Martin	Cortis K. Stacy	
Strother Melton	Paul Stapleton	—34

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with Committee Amendments, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 96. AN ACT relating to election precincts, amending section 116.180 of the Kentucky Revised Statutes.

Senator Moloney moved the Previous Question.

Whereupon, the President Pro tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Thomas Hines	Clay Shackleford
Bernard J. Bonn	Stanley Hoffman	Leon Shaikun
Eugene H. Clark	James Lassiter	Cortis K. Stacy
Augustus Cornett	Homer E. Losey	Paul Stapleton
Louis Cox	C. W. A. McCann	Otis C. Thomas
Archie Craft	Earl F. Martin	Wendell Van Hoose
Martin J. Duffy	Strother Melton	Sylvester Wagner
Ernest M. Ford	Richard P. Moloney	Ed P. Warinner
Wayne Freeman	O. W. Montgomery	John M. Williams
Julian Golden	Freeman Robinson	E. V. Withers
James P. Hanratty	William J. Sample	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 97. AN ACT relating to voting procedure, amending section 118.280 of the Kentucky Revised Statutes.

Senator Moloney moved the Previous Question.

Whereupon, the President Pro tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Thomas Hines	William J. Sample
Bernard J. Bonn	Stanley Hoffman	Leon Shaikun
Eugene H. Clark	Alvin Kidwell	Cortis K. Stacy
Augustus Cornett	James Lassiter	Paul Stapleton
Louis Cox	C. W. A. McCann	Otis C. Thomas
Archie Craft	Earl F. Martin	Wendell Van Hoose
Martin J. Duffy	Strother Melton	Sylvester Wagner
Ernest M. Ford	Richard P. Moloney	John M. Williams
Wayne Freeman	O. W. Montgomery	E. V. Withers
Julian Golden	Jack R. Reynolds	
Doug Hays	Freeman Robinson	—31

Those who voted in the negative were—

Homer E. Losey	Ed P. Warinner	—2

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 98. AN ACT relating to absent voting, amending sections 126.160, 126.170 and subsection (3) of section 126.270 of the Kentucky Revised Statutes.

Senator Moloney moved the Previous Question.

Whereupon, the President Pro tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	William J. Sample
Bernard J. Bonn	Dr. J. E. Johnson	Clay Shackleford
Eugene H. Clark	Alvin Kidwell	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	C. W. A. McCann	Otis C. Thomas
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Ernest M. Ford	Strother Melton	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warinner
Julian Golden	O. W. Montgomery	John M. Williams
Doug Hays	Jack R. Reynolds	E. V. Withers
Thomas Hines	Freeman Robinson	—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 66. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

Senator Golden moved the Previous Question.

Whereupon, the President Pro tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Thomas Hines	Freeman Robinson
Bernard J. Bonn	Stanley Hoffman	William J. Sample
Eugene H. Clark	Dr. J. E. Johnson	Clay Shackleford
Augustus Cornett	Alvin Kidwell	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Otis C. Thomas
Martin J. Duffy	C. W. A. McCann	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warinner
Julian Golden	Richard P. Moloney	John M. Williams
Doug Hays	Jack R. Reynolds	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day bills of the following titles, viz:

S. B. No. 145. AN ACT relating to crimes and punishments.

H. B. No. 52. AN ACT relating to the County and Circuit Court record books.

S. B. No. 102. AN ACT establishing County Social Service Advisory Committees for public assistance and child welfare.

S. B. No. 101. AN ACT relating to public assistance and welfare of needy aged, needy blind and needy children, and amending sections 205.010, 205.200, 205.210, 205.240, and 205.990 of the Kentucky Revised Statutes and repealing subsection (3) of section 205.170 of the Kentucky Revised Statutes.

H. B. No. 79. AN ACT authorizing second class cities to contribute to the support of dependent children.

S. B. No. 119. AN ACT amending Section 423.010, Kentucky Revised Statutes.

S. B. No. 152. AN ACT relating to the Department of State Police. (With Committee Amendments)

S. B. No. 149. AN ACT relating to the establishment, operation and maintenance of public parks in and by any county in the Commonwealth of Kentucky.

Senator Moloney moved that consideration of said bills be deferred and that same be allowed to retain their places in the Orders of the Day.

Said motion was agreed to.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills which originated in that body of the following titles, viz:

H. B. No. 87. AN ACT authorizing water districts to acquire, develop, maintain and operate gas systems.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Any county court, except in counties containing a city of the first class, upon petition of seventy-five resident freeholders of a water district heretofore organized under the provisions of KRS 74.010, may authorize said water district to acquire, develop, maintain, and operate a system for the distribution of natural, artificial, or mixed gas to the citizens of the county. The petition shall describe the territory intended to

be included in the area to be served and shall set out the reasons a gas distribution system is needed.

(2) When the petition is filed, the court shall give notice of the filing by publication in three issues of a newspaper of general circulation in the county, or if there is no newspaper in the county, by posting notices in three public places in the water district. Within thirty days after the publication of notices, any resident of the district may file objections, and the Court shall set the case for hearing within ten days. If the court finds the establishment of a gas distributing system by such district reasonably necessary for the public health, convenience, and comfort of the residents, it shall make an order authorizing the establishment or acquisition of the gas distributing system.

(3) The court may in its order strike off any part of the territory that the testimony shows will not be benefited by the creation of the distribution system. If the court does not find that the gas distribution system is necessary it shall dismiss the petition. Either party may appeal to the circuit court for a retrial, and from the circuit court to the Court of Appeals, as provided by law.

(4) If the water district is authorized to establish the gas distribution system, such system shall be established, maintained, and operated by the water commissioners of the district authorized to establish said system and said commissioners shall have all of the powers and authority, as regards the gas distributing system, that are conferred upon them for the purpose of furnishing a water supply under Chapter 74 of the Kentucky Revised Statutes.

(5) Water districts may, in addition to all other methods provided by law, acquire and develop water systems and systems for the distribution of natural, artificial, or mixed gas through the issuance of revenue bonds under the terms and provisions of KRS 58.010 to 58.140.

(6) Section 74.120 of the Kentucky Revised Statutes is amended to read as follows:

The commission shall not include an incorporated city in any water district, but may contract with any city for the purpose of

furnishing water or gas to the residents of the city. The assignment to the commission or the water district of any valid outstanding franchise for the distribution of water or natural, artificial, or mixed gas to the residents of any city shall constitute a contract with the city within the terms of this section.

H. B. No. 225. AN ACT relating to the State Fair Board, repealing Subsection (2) of Section 247.170 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 247.170 of the Kentucky Revised Statutes is repealed.

H. B. No. 274. AN ACT relating to the office of Receiver of the circuit court in a county containing a population of 300,000 or over and providing for the payment of such officer's compensation in case the fees of the office are not sufficient to meet his salary.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. If, in the office of Receiver of the circuit court in a county containing a population of 300,000 or over, a shortage in the salary of the Receiver shall occur or exist and the Receiver does not have in his hands sufficient surplus fees or other funds legally charged with the payment of his salary to make up the shortage he shall thereupon, immediately after the last day of the month in which the shortage occurs, file in the circuit court, in general term, a statement under oath showing the shortage and the amount thereof, and the court shall thereupon, by its order in general term, any five of the judges concurring, order the Department of Finance, and it shall immediately pay to the Receiver the amount of the shortage named in the order out of the funds previously paid by the Receiver to the Department of Finance including such funds as may have come to the Department of Finance from the office of the Receiver

through the Department of Revenue under the provisions of Chapter 393 of the Kentucky Revised Statutes.

H. B. No. 277. AN ACT relating to taxes on the production of crude petroleum, and particularly in respect of penalties relating thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (3) of Section 137.990 of the Kentucky Revised Statutes is amended to read as follows:

(a) Any person required to register, make reports or collect and pay taxes under the provisions of KRS 137.120 to 137.160 who fails to pay taxes, penalty and interest after becoming delinquent, or fails for thirty days after the required date to make a report or register shall pay a penalty of ten per cent on the amount of tax due, and shall pay an additional penalty of five per cent on the first day of each month so long as the tax remains due and unpaid, except the total penalty paid shall not exceed twenty-five per cent of tax due.

(b) Any person who violates any of the provisions of KRS 137.120 to 137.160 may be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not less than thirty days nor more than six months or both.

H. B. No. 278. AN ACT relating to the bank night awards tax.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 138.090 to 138.120, inclusive, of the Kentucky Revised Statutes are repealed.

H. B. No. 279. AN ACT relating to the practice of chiropody.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 311.380 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and reenacted to read as follows:

As used in KRS 311.390 to 311.520:

(1) "Board" means the State Board of Chiropody:

(2) "Chiropody" means the diagnosis, and the local, medical, mechanical and surgical treatment, of ailments of the human foot, and massage in connection therewith, except amputation of the foot or toes, or the use of anesthetics other than local, or the use of drugs or medicine other than local;

(3) "Chiropodist" means one who practices chiropody.

Section 2. Section 311.410 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and reenacted to read as follows:

(1) There is hereby established in the Department of Health a State Board of Chiropody which shall consist of five practicing chiropodists, each appointed by the Governor. All appointments, including appointments to fill vacancies shall be made from lists of three names for each position submitted by the Kentucky Association of Chiropodists. Any vacancy shall be filled for the unexpired term by the Governor.

(2) A person to be eligible for appointment as a member of said board shall be at least twenty-one years of age, of good moral character, a resident of this State, and a licensed and practicing chiropodist in this State for at least five consecutive years next preceding the date of his appointment. No member of the Board shall be a stockholder, officer, member of the faculty or Board of Trustees of any school, college or institution of chiropody.

(3) The committee of examiners in chiropody, established by Chapter 176 of the Acts of 1948, is hereby abolished, and all rights, functions, powers and duties of said committee and of the State Board of Health under said Act are hereby transferred

to and vested in the Board established by this Section, upon the effective date of this Act.

(4) The term of office of the five members first appointed hereunder shall be one, two, three, four and five years, respectively, and the respective terms of the first members shall be designated by the Governor at the time of their appointment. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be five years, or until his successor shall be appointed and qualified.

(5) The Board shall elect one of its members as president. The Commissioner of Health shall be secretary of the Board. He shall have power to appoint an assistant secretary and to delegate to said assistant secretary any or all of his powers and duties under this Act. Said secretary is authorized, subject to approval by the Board, to fix the compensation of said assistant secretary and to employ and fix the compensation of all personnel required for the administration of this Act. The Board shall have power to make all rules and regulations, not inconsistent with this Act, as may be necessary to implement and carry out the provisions and purposes of this Act.

(6) The Board may sue and be sued in its own name.

(7) The Board shall hold meetings at least twice a year, and as frequently as it deems necessary, at such times and places as the Board may designate. A majority of the members shall constitute a quorum.

Section 3. Section 311.420 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and reenacted to read as follows:

(1) The Board shall conduct examinations at least twice a year at such times and places as the Board deems convenient for applicants for licenses to practice chiropody in this state, and shall admit to examination any applicant who:

(a) Is at least twenty-one years of age;

(b) Is a citizen of the United States and a resident of the State of Kentucky;

(c) Is of good moral character and temperate habits; and

(d) Has completed a course in and graduated from a school or college of chiropody approved by the Board.

(2) The examination shall embrace the subjects of anatomy, physiology, chemistry, bacteriology, histology, pathology, dermatology, pedic-surgery, physio-therapy, diagnosis and treatment, materia medica and therapeutics, and other subjects as these subjects relate to antiseptics and anaesthetics and clinical chiropody, but the examination shall be so limited in its scope as to cover only the minimum requirements for chiropody educations.

(3) Applicants for examination shall present their credentials to the Board by mail upon forms furnished by the Board, and shall receive due notice of the place and date of the examination. Each application shall contain proof of the qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by an examination fee of Fifty Dollars.

(4) The Board shall issue a license to any person who complies with the provisions of KRS 311.380 to 311.520 and who satisfactorily passes the examination.

(5) The members of the Board shall receive no compensation for their services, but shall be paid their traveling and other necessary expenses while employed upon the business of the Board.

Section 4. Section 311.450 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and reenacted to read as follows:

(1) Every license issued for the practice of chiropody shall expire on June 30 following the date of issuance unless sooner revoked and cancelled.

(2) On or before June first of each year, the Board shall send notices to all licensed chiropodists in this State, at their last known addresses, advising them that the annual license renewal fee is due on July first of each year. Every registered chiropodist shall renew his license on or before July first of each year by the payment to the Board of an annual license renewal fee of ten dollars. If such renewal fee is not paid on or before

July first, the Board shall notify the delinquent licensee by mail at his last known address that such fee is due and unpaid and that a delinquent penalty of twenty five dollars is assessed, in addition to the renewal fee of ten dollars, and must be paid on or before January first. If such fees and penalties are not paid by January first, it shall be the duty of the Board to suspend or revoke the said license for non-payment of the annual renewal and delinquent fees for the current year.

(3) All fees collected under the provisions of KRS 311.380 to 311.520, or the rules and regulations adopted pursuant thereto, shall be paid into the State Treasury, and credited to a trust and agency fund to be used in defraying the costs and expenses in the Administration of this Act, including, but not limited to, salaries and necessary travel expenses. No part of this fund shall revert to the general funds of this Commonwealth.

Section 5. Section 311.470 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and re-enacted to read as follows:

(1) Any person who practices chiropody shall display his license, together with the annual license renewal certificate, in a conspicuous place in the office in which he practices.

(2) No person practicing or offering to practice chiropody shall in any manner advertise the prices charged for his services; nor shall he advertise in newspapers, in periodicals, by handbills or circulars, or in bold-face type in any printed matter, or by the use of any form of display sign; except that he may, upon opening an office or upon change of address, mail or publish announcements to that effect provided such announcements shall not appear more than three times in public print, and the form of such announcement shall be determined by the Board.

Section 6. Section 311.490 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and re-enacted to read as follows:

(1) A suspension or revocation of a license, or a refusal to renew a license, may be made by the Board only after a hearing of which the accused has been given adequate notice. At the hearing, the Board and the accused shall have the benefit of counsel.

(2) The Board may administer oaths, take the depositions of witnesses as in civil cases and compel them to attend before it in person as in civil cases by subpoena issued over the signature of the President of the Board and in the name of the state.

(3) Proceedings for the suspension or revocation of a license may be instituted by any individual, or organization, or by the Board acting upon its own initiative or by the Secretary on behalf of the Board.

(4) The Board may institute, in its own name, proceedings to temporarily or permanently restrain and enjoin violations of this Act, regardless of whether the defendant has been convicted for violations of the penal provisions thereof, and shall not be required to pay any cost or filing fees or furnish any bond in connection therewith. Violations of injunctions and restraining orders shall be punished as a contempt without the intervention of a jury.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) County and Commonwealth's attorneys and the Attorney General, within their respective jurisdictions, shall prosecute all violations of the penal provisions of this Act, and shall, when requested by the Board, represent the Board in matters relating to the enforcement of this Act.

(2) For the purpose of enforcing the provisions of this Act, the investigators, inspectors, representatives and agents of the Board and the Department of Health shall have the full power and authority of peace officers in this state, and shall have the power and authority to administer oaths, to enter upon premises at all times for the purpose of making inspections, to seize evidence, to interrogate all persons, and to require the production of books, papers, documents or other evidence.

Section 8. Subsection (7) of Section 311.990 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and re-enacted to read as follows:

(7) Any person who shall present to the county clerk for the purpose of registration any license which has been fraud-

ulently obtained, or shall obtain any license under KRS 311.380 to 311.520 by false or fraudulent statement or representation, or shall practice chiropody under a false or assumed name or shall falsely impersonate another practitioner or former practitioner of a like or different name, or shall aid and abet any person in the practice of chiropody within the State without conforming to the requirements of KRS 311.380 to 311.520, or shall otherwise violate or neglect to comply with any of the provisions of KRS 311.380 to 311.520, shall be fined not less than two hundred and fifty dollars nor more than five thousand dollars or imprisoned in the county jail for not less than three months nor more than twelve months, or both so fined and imprisoned. Each case of practicing chiropody in violation of the provisions of KRS 311.380 to 311.520 shall be considered a separate offense.

Ordered that said bills be printed and referred.

The message which was received from the House of Representatives further announced that they had passed bills which originated in the Senate of the following titles, viz:

S. B. No. 87. AN ACT to amend sub-section (c) of Section 3 of Senate Bill No. 1, Passed by the General Assembly of the Commonwealth of Kentucky at its extraordinary session, 1951, and declaring an emergency to exist.

S. B. No. 86. AN ACT relating to the powers of the governing bodies of the state institutions of higher education, the limitations on salaries payable, and related matters.

S. B. No. 63. AN ACT relating to rules of pleading, practice, and procedure, and the forms thereof in civil actions and with limited application, in criminal proceedings.

S. B. No. 80. AN ACT relating to the compensation of Judges and Commissioners of the Court of Appeals, and making an appropriation thereof.

S. B. No. 85. AN ACT relating to control of Black Shank and other diseases of tobacco and to appropriate money for that purpose.

S. B. No. 113. AN ACT relating to education.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

Senator Moloney moved that the Senate do now recess for 30 minutes.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President Pro Tem of the Senate, Honorable Louis Cox, resumed the chair and presided over the Senate.

REPORTS OF COMMITTEES

Senator Cox, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been referred previously, reported a bill of the following title, viz:

H. B. No. 223. AN ACT to further regulate motor trucks, semi-trailer trucks, and trailers, clarifying and enlarging the powers of the Commissioner of Highways and the County judges relating thereto, and amending KRS 189.280.

With the expression of opinion that same should pass with the following Committee Amendment:

"Amend printed copy of H. B. 223 on page 2, subsection 3, line 22

So that, as amended, said line will read:

(s) Except as provided in KRS 177.046, cities may"

Whereupon, said bill, with Committee Amendment, was read at length for the first time and

Ordered placed in the Calendar.

Senator Shackelford, Chairman of the Committee on Judiciary and Judicial Council, to which same had been referred previously, reported a bill of the following title, viz:

H. B. No. 78. AN ACT relating to advance fees of circuit clerks, amending Section 64.036 of the Kentucky Revised Statutes.

With the expression of opinion that same should not pass.

Senator Shackelford, Chairman of the Committee on Judiciary and Judicial Council, to which same had been referred previously, reported bills of the following titles, viz:

S. B. No. 96. AN ACT relating to Public Police Officers.

H. B. No. 132. AN ACT relating to survival of actions, amending section 411.140 of the Kentucky Revised Statutes.

H. B. No. 82. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

H. B. No. 116. AN ACT relating to terms of court in the Twenty-Fourth Judicial District.

With the expression of opinion that same should pass.

Whereupon, said bills were read at length for the first time and

Ordered placed in the Calendar.

Senator Kidwell, of the Committee on Agriculture and State Fair, to which same had been referred previously, reported bills of the following titles, viz:

H. B. No. 139. AN ACT concerning stockyards.

H. B. No. 149. AN ACT to amend Sections 247.250, 247.280, 247.330, 247.340, 247.350, 247.370 of the Kentucky Revised Statutes relating to county farm bureaus and a state federation of county farm bureaus.

H. B. No. 173. AN ACT concerning the development and promotion of the sheep industry in Kentucky.

With the expression of opinion that said bills should pass.

Whereupon, said bills were read at length for the first time and

Ordered placed in the Calendar.

Senator Withers, Chairman of the Committee on Elections and Redistricting, to which same had been referred previously, reported a bill of the following title, viz:

H. B. No. 14. AN ACT relating to elections, both regular and primary, with particular relation to the hours the polls are

to be open, and the hour the Board of Election Commissioners shall meet for the purpose of counting the ballots.

With the expression of opinion that said bill should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Senator Johnson, Chairman of the Committee on Public Health, to which same had been referred previously, reported a bill of the following title, viz:

S. B. No. 42. AN ACT concerning clinical psychologist.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Senator Kidwell, Chairman of the Committee on Election Contests, to which same had been referred previously, reported a resolution of the following title, viz:

S. Res. No. 24. A RESOLUTION authorizing the payment of special commissioner's fee and costs in the contest case of Cox v. Hines.

With the expression of opinion that same should pass.

Whereupon, said resolution was read at length for the first time and

Ordered placed in the Calendar.

Senator Robinson, Chairman of the Committee on Criminal Law, to which same had been referred previously, reported a bill of the following title, viz:

S. B. No. 123. AN ACT relating to deadly weapons.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Senator Hines, Chairman of the Committee on Classification of Cities and Towns, to which same had been referred previously, reported a bill of the following title, viz:

S. B. No. 168. AN ACT changing the classification of the City of Berea, in Madison County.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Senator Shaikun, Chairman of the Committee on Intoxicating Liquors, to which same had been referred previoulsy, reported a bill of the following title, viz:

S. B. No. 194. AN ACT relating to alcoholic beverage licenses.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Senator Moloney moved that the Senate do now adjourn until 10 A.M., Thursday, February 21, 1952.

Said motion was agreed to.

And then the Senate adjourned.

THURSDAY, FEBRUARY 21, 1952

The Senate convened and was called to order by the President of the Senate, Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend Mr. Robert J. Laughlin, Donaghadee, Ireland.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	James Lassiter	Leon Shaikun
Louis Cox	Homer E. Losey	Cortis K. Stacy
Archie Craft	C. W. A. McCann	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Otis C. Thomas
Ernest M. Ford	Earl F. Martin	Wendell Van Hoose
Wayne Freeman	Strother Melton	Sylvester Wagner
James P. Hanratty	Richard P. Moloney	Ed P. Warinner
Doug Hays	O. W. Montgomery	John M. Williams
Thomas Hines	Jack R. Reynolds	E. V. Withers
Stanley Hoffman	Freeman Robinson	—35

The following Senators were absent—

Bernard J. Bonn	Julian Golden	Bert Kiser

—3

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings for Wednesday, February 20, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

INTRODUCTION OF BILLS

A bill of the following title was introduced, viz:

By Senator McCann.

S. B. No. 221. AN ACT relating to licensing of custom slaughtering.

Said bill was as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person, firm or corporation engaged in custom slaughtering for farmers on their own farms shall secure from the Commissioner of Agriculture, Labor, and Statistics an annual license to operate as a custom slaughterer and pay an annual license fee

of twenty-five dollars. Farm slaughtering by a licensed custom slaughterer shall be limited to slaughtering animals for the farmer's own consumption.

Ordered that said bill be printed and referred.

REFERRAL OF BILLS

Senator R. P. Moloney, Chairman of the Committee on Committees, announced that the following bills and resolutions had been referred:

H. B. No. 39. Appropriations
S. Res. No. 25. Claims
S. B. No. 220. Education
S. B. No. 218. Intoxicating Liquors
S. B. No. 212. Judiciary and Judicial Council
S. B. No. 216. Judiciary and Judicial Council
S. B. No. 217. Judiciary and Judicial Council
H. B. No. 20. Judiciary and Judicial Council
S. B. No. 219. Ky. Statutes No. 1
H. B. No. 278. Ky. Statutes No. 1
S. Res. No. 26. Ky. Statutes No. 2
S. B. No. 209. Ky. Statutes No. 2
S. B. No. 210. Ky. Statutes No. 2
S. B. No. 211. Ky. Statutes No. 2
S. B. No. 213. Ky. Statutes No. 2
S. B. No. 214. Ky. Statutes No. 2
S. B. No. 215. Ky. Statutes No. 2
H. Res. No. 41. Ky. Statutes No. 2
H. B. No. 225. Ky. Statutes No. 2
H. B. No. 274. Ky. Statutes No. 2
H. B. No. 277. Ky. Statutes No. 2
H. B. No. 279. Public Health
H. B. No. 87. Public Utilities

CALENDAR

The Senate then took up for consideration from the Calendar a bill, with Committee Amendment, of the following title, viz:

H. B. No. 223. AN ACT to further regulate motor trucks, semi-trailer trucks, and trailers, clarifying and enlarging the powers of the Commissioner of Highways and the County judges relating thereto, and amending KRS 189.280.

Ordered that said bill, with Committee Amendment, be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill, with Committee Amendment, be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill, with Committee Amendment, having been dispensed with, said bill, with Committee Amendment, was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 96. AN ACT relating to Public Police Officers.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 132. AN ACT relating to survival of actions, amending section 411.140 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 82. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 116. AN ACT relating to terms of court in the Twenty-Fourth Judicial District.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as

to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 139. AN ACT concerning stockyards.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 149. AN ACT to amend Sections 247.250, 247.280, 247.330, 247.340, 247.350, 247.370 of the Kentucky Revised Statutes relating to county farm bureaus and a state federation of county farm bureaus.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 173. AN ACT concerning the development and promotion of the sheep industry in Kentucky.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 14. AN ACT relating to elections, both regular and primary, with particular relation to the hours the polls are to be open, and the hour the Board of Election Commissioners shall meet for the purpose of counting the ballots.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 42. AN ACT concerning clinical psychologist.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

S. Res. No. 24. A RESOLUTION authorizing the payment of special commissioner's fee and costs in the contest case of Cox v. Hines.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 168. AN ACT changing the classification of the City of Berea, in Madison County.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 123. AN ACT relating to deadly weapons.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 194. AN ACT relating to alcoholic beverage licenses.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 149. AN ACT relating to the establishment, operation and maintenance of Public Parks in and by any county in the Commonwealth of Kentucky.

Senator Shaikun moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Martin J. Duffy	Dr. J. E. Johnson
Eugene H. Clark	Wayne Freeman	Alvin Kidwell
Augustus Cornett	James P. Hanratty	James Lassiter
Louis Cox	Thomas Hines	Homer E. Losey
Archie Craft	Stanley Hoffman	C. W. A. McCann

James R. Mansfield	Freeman Robinson	Otis C. Thomas
Earl F. Martin	William J. Sample	Wendell Van Hoose
Strother Melton	Clay Shackleford	Sylvester Wagner
Richard P. Moloney	Leon Shaikun	Ed P. Warinner
O. W. Montgomery	Cortis K. Stacy	John M. Williams
Jack R. Reynolds	Paul Stapleton	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 119. AN ACT amending Section 423.010, Kentucky Revised Statutes.

Senator Cox moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Augustus Cornett	Archie Craft
Eugene H. Clark	Louis Cox	Martin J. Duffy

Wayne Freeman	James R. Mansfield	Cortis K. Stacy
James P. Hanratty	Earl F. Martin	Paul Stapleton
Thomas Hines	Strother Melton	Otis C. Thomas
Stanley Hoffman	Richard P. Moloney	Wendell Van Hoose
Dr. J. E. Johnson	Jack R. Reynolds	Sylvester Wagner
Alvin Kidwell	Freeman Robinson	Ed P. Warinner
James Lassiter	William J. Sample	John M. Williams
Homer E. Losey	Clay Shackleford	E. V. Withers
C. W. A. McCann	Leon Shaikun	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 179. AN ACT relating to tuberculosis sanatoria operated by city-county boards of health in counties containing a city of the first class.

Senator Freeman moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	James Lassiter	Leon Shaikun
Augustus Cornett	Homer E. Losey	Cortis K. Stacy
Louis Cox	C. W. A. McCann	Paul Stapleton
Archie Craft	James R. Mansfield	Otis C. Thomas
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Ernest M. Ford	Strother Melton	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warinner
James P. Hanratty	O. W. Montgomery	John M. Williams
Thomas Hines	Jack R. Reynolds	E. V. Withers
Stanley Hoffman	Freeman Robinson	
Dr. J. E. Johnson	William J. Sample	—34

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 189. AN ACT concerning school building funds.

Senator Stapleton moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Eugene H. Clark	James Lassiter	Clay Shackleford
Louis Cox	Homer E. Losey	Leon Shaikun
Archie Craft	C. W. A. McCann	Cortis K. Stacy
Martin J. Duffy	James R. Mansfield	Paul Stapleton
Wayne Freeman	Earl F. Martin	Otis C. Thomas
James P. Hanratty	Strother Melton	Wendell Van Hoose
Thomas Hines	Richard P. Moloney	Sylvester Wagner
Stanley Hoffman	O. W. Montgomery	Ed P. Warinner
Dr. J. E. Johnson	Jack R. Reynolds	John M. Williams
Alvin Kidwell	Freeman Robinson	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 192. AN ACT relating to off-street parking facilities in certain cities.

Senator Shaikun moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	James Lassiter	Leon Shaikun
Augustus Cornett	Homer E. Losey	Cortis K. Stacy
Louis Cox	C. W. A. McCann	Paul Stapleton
Archie Craft	James R. Mansfield	Otis C. Thomas
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Ernest M. Ford	Strother Melton	Sylvester Wagner
Julian Golden	Richard P. Moloney	Ed P. Warinner
James P. Hanratty	O. W. Montgomery	John M. Williams
Thomas Hines	Jack R. Reynolds	E. V. Withers
Stanley Hoffman	Freeman Robinson	
Dr. J. E. Johnson	William J. Sample	—34

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 169. AN ACT relating to actions and proceedings in circuit courts having two judges, amending sections 24.080 and 24.150 of the Kentucky Revised Statutes.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as

to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Clay Shackleford
Eugene H. Clark	Dr. J. E. Johnson	Leon Shaikun
Augustus Cornett	Alvin Kidwell	Cortis K. Stacy
Louis Cox	James Lassiter	Paul Stapleton
Archie Craft	C. W. A. McCann	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Strother Melton	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warinner
Julian Golden	O. W. Montgomery	John M. Williams
James P. Hanratty	Freeman Robinson	E. V. Withers
Thomas Hines	William J. Sample	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 165. AN ACT relating to inquest, commitment and discharge of incompetent persons, amending section 202.080 of the Kentucky Revised Statutes.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at lnegth of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	Clay Shackleford
Eugene H. Clark	Alvin Kidwell	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	C. W. A. McCann	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warinner
Julian Golden	Richard P. Moloney	John M. Williams
James P. Hanratty	O. W. Montgomery	E. V. Withers
Thomas Hines	Freeman Robinson	
Stanley Hoffman	William J. Sample	—34

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 180. AN ACT relating to insurance rates, amending KRS 304.603 and KRS 304.627.

Senator Moloney offered the following amendments to said bill, viz:

Amendment No. 1.

Page 3, section 1, line 64

Strike the word "same" and substitute in lieu thereof the words "said filing".

Amendment No. 2.

Page 4, section 1, line 69

After the word "immediately" insert the words "upon the giving of notice as required by this subsection".

Amendment No. 3.

Page 4, section 1, line 86

Strike the word "who" and subsitute in lieu thereof the word "which".

Amendment No. 4.

Page 7, section 2, line 61

Strike the word "same" and substitute in lieu thereof the words "said filing".

Amendment No. 5.

Page 7, section 2, line 66

After the word "immediately" insert the words "upon the giving of notice as required by this subsection ".

Amendment No. 6.

Page 8, section 2, line 83

Strike the word "who" and substitute in lieu thereof the word "which".

Senator Moloney moved the adoption of Amendment No. 1.

Said motion was agreed to.

Senator Moloney moved the adoption of Amendment No. 2.

Said motion was agreed to.

Senator Moloney moved the adoption of Amendment No. 3.

Said motion was agreed to.

Senator Moloney moved the adoption of Amendment No. 4.

Said motion was agreed to.

Senator Moloney moved the adoption of Amendment No. 5.

Said motion was agreed to.

Senator Moloney moved the adoption of Amendment No. 6.

Said motion was agreed to.

And thereupon said amendments were adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendments, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendments, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendments, having been dispensed with, said bill, with amendments, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendments, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Louis Cox	Ernest M. Ford
Eugene H. Clark	Archie Craft	Wayne Freeman
Augustus Cornett	Martin J. Duffy	Julian Golden

James P. Hanratty	Earl F. Martin	Cortis K. Stacy
Thomas Hines	Strother Melton	Paul Stapleton
Stanley Hoffman	Richard P. Moloney	Otis C. Thomas
Dr. J. E. Johnson	Jack R. Reynolds	Wendell Van Hoose
Alvin Kidwell	Freeman Robinson	Sylvester Wagner
Homer E. Losey	William J. Sample	Ed P. Warinner
C. W. A. McCann	Clay Shackleford	John M. Williams
James R. Mansfield	Leon Shaikun	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendments, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 150. AN ACT relating to Workmen's Compensation.

With Committee Amendment as follows, viz:

Page 1, line 4, by striking through the word "presented" and substituting in lieu thereof the word "presumed".

Senator Robinson moved the adoption of said amendment.

Said motion was agreed to.

And thereupon said amendment was adopted.

Senator Robinson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with committee amendment be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with Committee

Amendment, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with Committee Amendment, having been dispensed with, said bill, with Committee Amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with Committee Amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Homer E. Losey	Paul Stapleton
Louis Cox	C. W. A. McCann	Otis C. Thomas
Archie Craft	James R. Mansfield	Wendell Van Hoose
Martin J. Duffy	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warinner
Julian Golden	Richard P. Moloney	John M. Williams
Thomas Hines	Jack R. Reynolds	E. V. Withers
Stanley Hoffman	Freeman Robinson	—29

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with Committee Amendment, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 202. AN ACT changing the classification of the City of Loyall, in Harlan County.

Senator Cornett moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	Clay Shackleford
Eugene H. Clark	Alvin Kidwell	Leon Shaikun
Augustus Cornett	Homer E. Losey	Cortis K. Stacy
Louis Cox	C. W. A. McCann	Paul Stapleton
Archie Craft	James R. Mansfield	Otis C. Thomas
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Ernest M. Ford	Strother Melton	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warinner
Julian Golden	Jack R. Reynolds	John M. Williams
Thomas Hines	Freeman Robinson	E. V. Withers
Stanley Hoffman	William J. Sample	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 204. AN ACT changing the classification of the City of Danville, in Boyle County.

Senator Thomas moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Louis Cox	James Lassiter	Leon Shaikun
Archie Craft	Homer E. Losey	Cortis K. Stacy
Martin J. Duffy	C. W. A. McCann	Otis C. Thomas
Ernest M. Ford	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Strother Melton	Sylvester Wagner
Julian Golden	Richard P. Moloney	Ed P. Warriner
Thomas Hines	Jack R. Reynolds	John M. Williams
Stanley Hoffman	Freeman Robinson	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 196. AN ACT relating to boards of park commissioners in cities of the second class.

Senator Ford moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	James Lassiter	Leon Shaikun
Louis Cox	Homer E. Losey	Cortis K. Stacy
Archie Craft	C. W. A. McCann	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warinner
Julian Golden	Richard P. Moloney	John M. Williams
Thomas Hines	Jack R. Reynolds	E. V. Withers
Stanley Hoffman	Freeman Robinson	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day bills and a resolution entitled, viz:

S. B. No. 145. AN ACT relating to crimes and punishments.

H. B. No. 52. AN ACT relating to the County and Circuit Court record books.

S. B. No. 102. AN ACT establishing County Social Service Advisory Committees for public assistance and child welfare.

S. B. No. 101. AN ACT relating to public assistance and welfare of needy aged, needy blind and needy children, and amending sections 205.010, 205.200, 205.210, 205.240, and 205.990 of the Kentucky Revised Statutes and repealing subsection (3) of section 205.170 of the Kentucky Revised Statutes.

S. B. No. 132. AN ACT authorizing certain cities and counties to contribute public funds for charitable and welfare purposes. (With Committee Amendment)

H. B. No. 1. AN ACT relating to the issuance of duplicate game, hunting and fishing licenses and tags, where such original license or tag is lost or destroyed; providing fees for such duplicates. (With Committee Amendment)

H. B. No. 4. AN ACT changing the Classification of the City of Elsmere, in Kenton County.

H. B. No. 79. AN ACT authorizing second class cities to contribute to the support of dependent children.

H. B. No. 15. AN ACT changing the classification of the City of Worthington, in Greenup County.

H. B. No. 169. AN ACT concerning annexation of territory to cities of the third class.

H. B. No. 204. AN ACT relating to the acquisition of industrial buildings and equipment by cities, amending section 103.200 of the Kentucky Revised Statutes.

H. B. No. 42. AN ACT relating to the reappraisal of property for ad valorem taxes in cities, counties and other taxing districts.

S. Res. No. 12. A RESOLUTION concerning Fair Trade Laws.

H. B. No. 145. AN ACT relating to unemployment insurance and amending KRS 341.030 (5), (6) and (7), KRS 341.090 (3); KRS 341.145, KRS 341.200; KRS 341.230; KRS 341.260; KRS 341.270; KRS 341.300; KRS 341.310; KRS 341.370; (4) and (5); KRS 341.380; KRS 341.390; KRS 341.420; (3); KRS 341.540; and KRS 341.990 (5).

S. B. No. 174. AN ACT relating to sewer and drainage facilities in cities of the first class.

S. B. No. 175. AN ACT relating to sewer and drainage facilities in cities of the first class and in counties containing such cities, amending and re-enacting Sections 76.030, 76.080, 76.130, 76.170, and 76.180, Kentucky Revised Statutes.

S. B. No. 193. AN ACT relating to Off-Street parking facilities in Cities of the first and second class, providing for an alternate plan for acquisition.

H. B. No. 230. AN ACT relating to the use of certain funds for the acquisition of space for the Division of Unemployment Insurance and the Department of Unemployment Insurance and the Department of Economic Security; amending KRS 341.245.

H. B. No. 226. AN ACT further empowering the Commissioner of Highways to establish certain highways through fourth, fifth, and sixth class cities.

H. B. No. 227. AN ACT relating to the Department of Welfare, amending Section 439.100 of the Kentucky Revised Statutes.

H. B. No. 58. AN ACT relating to zoning and planning in cities of the second class and in counties containing such a city.

S. B. No. 166. AN ACT relating to city-county boards of health established by KRS 212.350; and providing for the recovery by such boards of fees and charges for treatment, care and services rendered by institutions operated and maintained by such boards to patients able to pay therefor, and creating

subrogation rights in such boards against persons liable to such patients.

S. B. No. 173. AN ACT relating to sewers and drains in counties in which metropolitan sewer districts have been established.

H. B. No. 146. AN ACT relating to appointment of members of the board of trustees of the University of Kentucky.

H. B. No. 198. AN ACT amending KRS 45.280, relating to Petty Cash Funds of State Budget Units.

H. B. No. 224. AN ACT relating to child labor.

H. B. No. 231. AN ACT relating to the selection and adoption of textbooks for use in public schools.

H. B. No. 271. AN ACT relating to the taxation of special fuels.

H. B. No. 216. AN ACT relating to alleged mental incompetents.

S. B. No. 152. AN ACT relating to the Department of State Police. (With Committee Amendments)

S. B. No. 151. AN ACT concerning organization and government of cities of the first class and agencies thereof, repealing Sections 69.420, 91.010, 91.030, 91.040, 91.050, 91.070, 93.030 (2) and (3), 93.040, 93.130, 93.140, 93.150, 93.160, 93.170, 93.180, 93.190, 93.200, 93.210, 93.220, 93.230, 93.240, 93.250, 93.260, 93.270, 95.080, 95.100, 95.110, 95.120, 95.130, 95.140, 95.150 (2), (3), (4) and (5), 95.190, 95.220, 95.230, 95.240, 95.250, 95.260, 95.280, 95.300, 95.310, 95.320, 95.330, 95.340, 95.350, 95.360, 95.370, 95.380, 95.390, 95.400, 95.410, 95.420, 97.254, 97.256, 97.258 and 98.020 of the Kentucky Revised Statutes and amending Sections 93.060, 93.110, 93.120, 95.160, 95.180, 95.200 and 95.290 of the Kentucky Revised Statutes.

Senator Moloney moved that consideration of said bills and resolution be deferred and that same be allowed to retain their place in the Orders of the Day.

Said motion was agreed to.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of hearing the Report of Committee on Enrollment.

Said motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

S. B. No. 63. AN ACT relating to rules of pleading, practice, and procedure, and the forms thereof in civil actions and with limited application, in criminal proceedings.

S. B. No. 86. AN ACT relating to the powers of the governing bodies of the state institutions of higher education, the limitations on salaries payable, and related matters.

S. B. No. 87. AN ACT to amend sub-section (c) of Section 3 of Senate Bill No. 1, Passed by the General Assembly of the Commonwealth of Kentucky at its extraordinary session, 1951, and declaring an emergency to exist.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Enrolling Clerk of the Senate deliver the original and enrolled copies of said bills to the House.

After a time the Enrolling Clerk delivered said original and enrolled copies of said bills duly signed by the Speaker of the House.

Ordered that the Chief Clerk of the Senate deliver said bills to the Governor.

After a time, the Chief Clerk aforesaid reported that he had discharged that duty.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills and a resolution which originated in that body of the following titles, viz:

H. B. No. 105. AN ACT relating to the examination of witnesses in civil action.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (8) of section 606 of the Civil Code of Practice is amended to read as follows:

A party, or any person who is or has been an officer, agent or employe of a corporation which is a party, may be examined as if under cross-examination at the instance of the adverse party, either orally or by deposition as any other witness; but the party calling for such examination shall not be concluded thereby, but may rebut it by counter testimony. The examination, authorized herein, of a person who is or has been an officer, agent or employe of a corporation shall be confined to events occurring during the existence of his occupational relationship with the corporation, and proof of such relationship shall constitute prima facie evidence that the officer, agent or employe was authorized to speak and act for and on behalf of the corporation during the existence of the occupational relationship.

H. B. No. 269. AN ACT relating to police courts in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 26.150 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second class the police court shall have one judge. He shall receive a salary fixed by ordinance at not more than $4800 nor less than $3000 per annum, and no other com-

pensation except the fees allowed to judges for holding examining trials in felony cases. He shall have each year a vacation of one month. No person shall be eligible to be a police judge unless at the time of his election he is at least twenty-five years of age, has been a resident of the city for at least four years, and has been a licensed, practicing attorney in the State of Kentucky for at least two years; provided, however, that police judges presently in office shall not be affected by the failure to be a licensed, practicing attorney for two years, nor shall they be disqualified from seeking reelection for that reason.

H. B. No. 268. AN ACT relating to compensation of jurors.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Grand jurors and petit jurors in circuit court shall each be paid five dollars per day for jury service. Persons whose names are on the jury list for jury service in circuit court, or are summoned under KRS 29.280 to supply a deficiency, who appear in person in court in response to summons, who reside outside the corporate limits of the city in which the court sits, and who do not claim exemption or ask to be relieved from jury service, shall receive five dollars per day for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

(2) When kept together over night in custody of the sheriff, petit jurors shall receive one dollar additional for each night they are kept together.

(3) In courts inferior to the circuit court, except in counties containing a city of the second class, each juror shall be paid fifty cents for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

(4) In courts inferior to the circuit court, in counties containing a city of the second class, each juror shall be paid $1.50

for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

H. B. No. 276. AN ACT relating to income taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (5) of Section 141.010 of the Kentucky Revised Statutes is amended to read as follows:

"Gross income" including gains, profits and income derived from salaries, wages or compensation for personal services of whatever kind and in whatever form paid, or from professions, vocations, trades, businesses, commerce or sales or dealings in property, whether real or personal, except as provided in subsection (2) of KRS 141.100, growing out of the ownership, use or interest in such property, or from rent, royalties, interest, dividends, securities or transactions of any business carried on for gain or profit, or gains, profits and income derived from any source whatever, including gains, profits and income derived through estates or trusts by the beneficiaries thereof, whether as distributive or as distributable shares. The amount of all these items shall be included in the gross income for the taxable year in which received by the taxpayer, unless under the methods of accounting permitted in this chapter, the amounts are to be properly accounted for as of a different period. In the case of the death of a taxpayer, amounts accrued up to the date of his death that are not otherwise properly includible in respect of the period ending with his death or a prior period, shall be included in the gross income of the taxpayer, or taxpayers, required to report such amounts for federal income tax purposes.

Section 2. Subsection (6) of Section 141.010 of the Kentucky Revised Statutes is amended to read as follows:

"Gross income" does not include the following items, which shall be exempt from taxation under this chapter:

(a) The proceeds of life insurance policies paid by reason

of the death of the insured, except that interest thereon shall be assessed under the provisions of this chapter.

(b) Amounts received, other than amounts paid by reason of the death of the insured, under life insurance, endowment or annuity contracts, either during the term or at maturity or upon surrender of the contract, equal to the total amount of premiums paid thereon, except that in the case of annuities either for life or for a fixed term, the excess value thereof over the amount of the premiums paid, derived through application of the life expectancy under the United States mortality tables or the number of years of the fixed term, shall not be exempt, and shall, for the purpose of computing the annual taxable income, be divided by the number of years the annuities are payable. The annual income so computed shall be taxable as is other income.

(c) The value of property acquired by gift, bequest, devise or inheritance received during the year, except that the income received by reason of such gifts, bequests, devises and inheritances shall be assessed under the provisions of this chapter.

(d) Any amount received through accident or health insurance or under the workmen's compensation law for personal injuries or sickness, and the amount of any damages received, whether by suit or agreement, on account of such injuries or sickness.

(e) Interest upon the obligations of the United States and of any instrumentalities of the Federal Government, and interest upon the obligations of this state or any of its political subdivisions and municipalities and instrumentalities thereof.

(f) All income received from the Federal Government by any person or his dependents as current compensation or allowances for service in the United States Army, Navy, Air Force, Marines or Nursing Service of the United States Government during the national emergency involving military mobilization.

Section 3. Subsection (1) of Section 141.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever an individual who is a resident of this state has become liable for income tax to another state upon all or any

part of his net income for the taxable year, derived from sources without this state and subject to taxation under this chapter, the amount of income tax payable by him under this chapter shall be credited on his return with the income tax so paid by him to the other state, upon his producing to the proper assessing officer satisfactory evidence of the fact of such payment, except that application of such credits shall not operate to reduce the tax payable under this chapter to an amount less than would have been payable were the income from the other state ignored. The credit provided for by this subsection shall not be granted to a taxpayer when the laws of the other state, under which the income in question is subject to tax assessment, provide for a credit to the taxpayer substantially similar to that granted by subsection (2) of this section.

Section 4. A new section of the Kentucky Revised Statutes is hereby created, to be numbered KRS 141.079, and to read as follows:

Unless otherwise provided in this chapter, the deductions and credits allowed under the provisions of this chapter shall be taken for the taxable year in which "paid or accrued" or "paid or incurred," dependent upon the method of accounting upon the basis of which the net income is computed, unless in order to clearly reflect the income the deductions or credits should be taken as of a different period. In the case of the death of a taxpayer, amounts accrued up to the date of his death that are not otherwise properly allowable in respect of the period ending with his death or a prior period, shall be allowable to the same persons and to the same extent such amounts are allowable for federal income tax purposes.

Section 5. Subsection (1) of Section 141.080 of the Kentucky Revised Statutes is amended to read as follows:

All ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation paid for personal services actually rendered in producing the taxable income. In the case of an individual, all the ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income, or for the management, con-

servation, or maintenance of property held for the production of income.

Section 6. Subsection (8) of Section 141.080 of the Kentucky Revised Statutes is amended to read as follows:

(a) A reasonable allowance for exhaustion, wear and tear of property used in trade or business, and property held for production of income, including a reasonable allowance for obsolescence and including in the case of natural resources (other than timber), allowances for depletion equivalent to those allowed for federal income tax purposes; in the case of timber, allowances for depletion equivalent to those allowed under the federal income tax law in effect on August 7, 1936. Provided that, in no case where percentage depletion is employed shall the deduction allowed for depletion exceed fifty percent of the net income computed without consideration of the depletion allowance.

(b) Where property is held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or in the absence of such provisions, on the basis of the trust income allocable to each.

Section 7. Subsection (11) of Section 141.080 of the Kentucky Revised Statutes is repealed.

Section 8. Section 141.090 of the Kentucky Revised Statutes is amended to read as follows:

In computing net income no deduction shall be allowed in respect of:

(1) Personal, living or family expenses.

(2) Any amount paid out for new buildings or new machinery for permanent improvements or betterments, or for any other capital outlay made to increase the value of any property or estate.

(3) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made.

(4) Premiums paid on a life insurance policy covering the life of any officer or employe, or of any person financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly a beneficiary under the policy.

(5) Losses from wagering transactions.

(6) So-called losses resulting from transactions made between husband and wife, parent and child, brothers, sisters, or brother and sister that would, if allowed, reduce the taxpayer's net income in such a way as to decrease the tax due the state, such sales being prima facie mere transfers within the family and not as giving rise to losses that are deductible.

(7) Taxes paid, or accrued, to any state if measured by or based on, net income.

Section 9. Sub-paragraph (a) of subsection (1) of Section 141.190 of the Kentucky Revised Statutes is amended to read as follows:

If he acts for a living individual whose entire income from whatever source derived is in his charge, and that individual, if competent, would be required under the provisions of KRS 141.180 (1) to make and file a return.

Section 10. Section 141.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) As soon as practicable after each return is received, the Department of Revenue shall examine and audit it. If the amount of tax computed by the department is greater than the amount returned by the taxpayer, the excess shall be assessed by the department within four years from the date the return was filed, except as provided in subsection (2) of this section, and except that in the case of a failure to file a return or of a fraudulent return the excess may be assessed at any time and in the case of a return wherein the taxpayer omits from gross income an amount properly includible therein which is in excess of twenty-five per cent of the amount of gross income stated in

the return the excess may be assessed at any time within six years after the return was filed; provided, however, that if any excess is assessed on account of any income which has been returned for taxation by any other taxpayer, the department, with the consent of such other taxpayer, his personal representatives or heirs, shall reduce the amount of the excess assessed for each year by the amount of the income tax paid for that year by such other taxpayer on account of the income in question. A notice of such assessment shall be mailed to the taxpayer. The time herein provided, may be extended by agreement between the taxpayer and the department.

(2) For the purpose of subsection (1) of this section a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day.

Section 11. Section 141.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The full amount of the tax payable by any taxpayer, as appears from the face of the return, shall be paid to the Department of Revenue at the time fixed for filing returns, except as provided in subsection (2).

(2) Any taxpayer filing a return showing an amount due of thirty dollars or more, may defer payment of one-third of the amount shown by the return to be due until the fifteenth day of the seventh month following the end of the taxable year and an additional one-third until the fifteenth day of the eleventh month following the end of the taxable year. Such deferred payment shall not be subject to any interest charge, if the payments are received within the times specified. If any installment is not paid when due the full amount of the taxpayer's liability becomes due and payable on the date the installment becomes delinquent.

Section 12. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 141.225 and to read as follows:

(1) Every person on active service with the United States Army, Navy, Marines, Air Force, or nursing Service of the United States Government who is required by law to file an

income tax return and pay income taxes to the State of Kentucky shall not be required to file such return and pay such taxes, which would otherwise become due during such period of service, until twelve months after the termination of the national emergency, or twelve months after the termination of his period of military service, whichever is the earlier.

(2) The provisions of this section shall be effective for returns due for all taxable years beginning on or after January 1, 1951.

Section 13. Unless otherwise provided herein, the provisions of this Act shall be applicable to all taxpayers for taxable years beginning on or after January 1, 1952.

H. B. No. 265. AN ACT to facilitate vehicular traffic in the Commonwealth of Kentucky by providing for the construction, maintenance, repair and operation of bridges; providing for the creation of bridge commissions in cities of the first class and conferring powers and imposing duties upon said commissions; providing for financing the construction of such bridges by the issuance of revenue bonds of said cities, payable solely from tolls and other revenues; providing that no debt of said cities shall be incurred in the exercise of any such powers; providing for the reversion of certain existing bridges; providing for the collection of tolls and other revenues from all such bridges to pay such bonds and the interest thereon and the cost of maintenance, repair and operation; providing for the issuance of revenue refunding bonds; exempting from taxes all such bridges and bonds; and repealing KRS 181.010 (3) and 181.300 to 181.500, inclusive, relating to bridge commissions in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. **Bridge commissions in first-class cities.**—Any city of the first class may, by ordinance, create a bridge commission consisting of the mayor and four persons appointed by the mayor with the approval of the board of aldermen. Each appointee shall be at least twenty-five years of age. The original

appointees shall serve for terms expiring on January 1, in the fourth year following their appointments, and until their respective designated successors shall be duly appointed and qualified. Their successors shall be appointed for one, two, three and four years, respectively. Thereafter the appointments shall be for four-year terms. A member of the bridge commission shall be eligible for reappointment. Not more than two appointees shall be members of the same political party. Vacancies shall be filled for unexpired terms in the same manner as the original appointments. Each appointed member of the bridge commission before entering upon his duties shall take an oath to administer the duties of his office faithfully and impartially, and a record of each oath shall be filed in the office of the director of finance of the city. No officer or employee of the city, whether he receives compensation or not, shall be appointed to the bridge commission.

The bridge commission shall constitute a public instrumentality under the name of (insert name of city) Bridge Commission and the exercise of the powers conferred by this Act shall be deemed and held to be the performance of essential municipal functions. The commission shall elect a chairman and a vice chairman from its appointed members, and a secretary-treasurer who need not be a member of the commission. The chairman, vice chairman and secretary-treasurer shall serve as such officers at the pleasure of the commission. Three members of the commission shall constitute a quorum and the affirmative vote of three members shall be necessary for any action taken by the commission. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission.

The members of the commission except the mayor shall receive such compensation as may be fixed in the ordinance creating the commission but the maximum compensation of the chairman in any year shall not exceed $2500 and of each other member shall not exceed $500. The commission shall fix or change the compensation of the secretary-treasurer in its discretion.

Section 2. **Definitions.**—As used in this Act, the following

words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:—

(a) The word "city" shall mean any city of the first class for which a bridge commission shall be appointed under the provisions of Section 1 of this Act.

(b) The word "commission" shall mean any bridge commission created under the provisions of Section 1 of this Act, or, if any such commission shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this Act to the commission shall be given by law.

(c) The word "bridge" shall include the substructure and superstructure, overpasses, underpasses, entrance plazas, toll houses, administration, storage and other buildings and facilities, all equipment therefor, and such approaches and approach highways as may be determined by the commission to be necessary to facilitate the flow of traffic or to connect such bridge with the highway systems or other traffic facilities in the vicinity of such bridge, together with all property, rights, easements and interests which may be acquired by the commission for the construction or operation of such bridge.

(d) The word "cost" as applied to a bridge shall embrace the cost of construction, the cost of the acquisition of all land, rights of way, property, rights, easements and interests acquired by the commission for such construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to and during construction and, if deemed advisable by the commission, for a period not exceeding one year after completion of construction, cost of traffic estimates and of engineering, financial and legal services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing any such bridge, administrative expenses, and such other expenses as may be necessary or incident to the construction of the bridge, the financing of

such construction and the placing of the bridge in operation. Any obligation or expense incurred by the city in connection with any of the foregoing items of cost may be regarded as a part of such cost and reimbursed to the city out of the proceeds of revenue bonds issued under the provisions of this Act.

Section 3. **General grant of powers.**—The commission is hereby authorized and empowered:—

(a) to adopt by-laws for the regulation of its affairs and the conduct of its business;

(b) to adopt an official seal and alter the same at pleasure;

(c) to maintain an office at such place or places within the city as it may designate;

(d) to sue and be sued in its own name, plead and be impleaded;

(e) to construct, improve, maintain, repair and operate bridges within or partly within and partly without the corporate limits of the city, including interstate bridges, at such locations as may be determined by it;

(f) to issue bridge revenue and bridge revenue refunding bonds of the city as hereinafter provided, such bonds being payable solely from the tolls and revenues pledged for their payment;

(g) to combine for financing purposes any two or more bridges hereafter constructed or operated by it;

(h) to fix and revise from time to time and charge and collect tolls for transit over each bridge constructed or operated by it;

(i) to establish rules and regulations for the use of any such bridge;

(j) to acquire, hold and dispose of real and personal property, in the name of the city, in the exercise of its powers and the performance of its duties under this Act;

(k) to enter upon any lands and structures and upon lands under water, to make surveys, borings, soundings or exam-

inations as it may deem necessary or convenient for the purposes of this Act, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending; provided, however, the commission shall make reimbursement for any actual damage resulting to such lands, structures and lands under water as a result of such activities;

(l) to enter upon, use, occupy and dig up any street, alley, road, highway or other public places necessary to be entered upon, used or occupied in connection with the construction, improvement, maintenance, repair or operation of any bridge;

(m) to make and enter into contracts and agreements for the construction of any bridges, with or without public letting, as it may determine will best effect the purposes of this Act;

(n) to make and enter into contracts and agreements with the Commonwealth or with other states or with political subdivisions or agencies of any thereof with reference to any matter within the jurisdiction of such contracting party and to make and enter into all other contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this Act;

(o) to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;

(p) to receive and accept from any federal agency grants for or in aid of the construction of any bridge, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made; and

(q) to do all acts and things necessary or convenient to carry out the powers expressly granted in this Act; provided, however, the commission shall not exercise any power given it to bind the commission beyond the extent to which moneys shall have been provided under the provisions of this Act.

Section 4. **Acquisition of property.**—The commission is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, solely from funds provided under the authority of this Act, such lands, structures, property, rights, rights of way, franchises, easements and other interests in lands, including lands lying under water and riparian rights, as it may deem necessary or convenient for the construction or operation of any bridge, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the city for the use and benefit of the commission.

Whenever a reasonable price can not be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown or unable to convey valid title, the commission is hereby authorized and empowered to acquire by condemnation or by the exercise of the power of eminent domain any lands, property, rights, rights of way, franchises, easements and other property, including public lands, parks, playgrounds, reservations, highways or parkways, or parts thereof or rights therein, of any person, co-partnership, association, railroad, public service, public utility or other corporation, or municipality or political subdivision deemed necessary or convenient for the construction or the efficient operation of any bridge or necessary in the restoration of public or private property damaged or destroyed. Any such proceedings shall be conducted in the name of the commission, and the compensation to be paid shall be ascertained and paid, in the manner provided by the Constitution and laws of the Commonwealth then applicable which relate to condemnation or to the exercise of the power of eminent domain by cities of the first class. Title to any property acquired by the commission shall be taken in the name of the city for the use and benefit of the commission. In any condemnation proceedings the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the commission and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the commission to accept and pay for the property, but neither such undertaking or se-

curity nor any act or obligation of the commission shall impose any liability upon the city or commission except as may be paid from the funds provided under the authority of this Act.

If the owner, lessee or occupier of any property to be condemned shall refuse to remove his personal property therefrom or give up possession thereof, the commission may proceed to obtain possession in any manner now or hereafter provided by law.

With respect to any railroad property or right of way upon which railroad tracks are located, any powers of condemnation or of eminent domain may be exercised to acquire only an easement interest therein which shall be located either sufficiently far above or sufficiently far below the grade of any railroad track or tracks upon such railroad property so that neither the proposed bridge nor any part thereof, including abutments, columns, supporting structures and appurtenances, nor any traffic upon it shall interfere in any manner with the use, operation or maintenance of the trains, tracks, works or appurtenances or other property of the railroad nor endanger the movement of the trains or traffic upon the tracks of the railroad. Prior to the institution of condemnation proceedings for such easement over or under such railroad property or right of way, plans and specifications of the proposed bridge showing compliance with the abovementioned above or below grade requirements and showing sufficient and safe plans and specifications of such overhead or undergrade structure and appurtenances shall be submitted to the railroad for examination and approval. If the railroad fails or refuses within thirty days to approve the plans and specifications so submitted, the matter shall be submitted to the Department of Works of the city whose decision, arrived at after due consideration and with an opportunity to the railroad to be heard, shall be final as to the sufficiency and safety of such plans and specifications and as to such elevations or distances above or below the tracks. Said overhead or undergrade structure and appurtenances shall be constructed only in accordance with such plans and specifications and in accordance with such elevations or distances above or below the tracks so approved by the railroad or the Department of Works of said city as the case may be. A copy

of the plans and specifications approved by the railroad or the Department of Works of said city shall be filed as an exhibit with the petition for condemnation.

The Commonwealth hereby consents to the use of all lands owned by it, including lands lying under water, which are deemed by the commission to be necessary for the construction or operation of any bridge.

Section 5. **Bridge revenue bonds.**—The commission is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of bridge revenue bonds of the city for the purpose of paying all or any part of the cost of any one or more bridges. The principal of and the interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding five per centum per annum, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the commission, and may be made redeemable before maturity, at the option of the commission, at such price or prices and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds. The commission shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. The bonds shall be signed by the chairman of the commission or shall bear his facsimile signature, and the seal of the commission or a facsimile thereof shall be affixed thereto and attested by the secretary-treasurer of the commission, and any coupons attached thereto shall bear the facsimile signature of said chairman. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments

under the negotiable instruments laws of the Commonwealth. The bonds may be issued in coupon or in registered form, or both, as the commission may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The commission may sell such bonds as it may determine will best effect the purposes of this Act in such manner and for such price as it may determine.

The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the bridge or bridges for which such bonds shall have been issued, and shall be disbursed in such manner and under such restrictions, if any, as the commission may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds, the commission may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The commission may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provisions of this Act without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth or of the city, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this Act.

Section 6. **Trust agreement.**—In the discretion of the commission any bonds issued under the provisions of this Act may be secured by a trust agreement by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the Commonwealth. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the tolls and other revenues to be received, but shall not convey or mortgage any bridge or any part thereof. Such trust agreement or resolution may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the bridge or bridges for the use of which tolls shall be charged under the provisions of this Act, the rates of toll to be charged, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of the Commonwealth which may act as depositary of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the commission. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the commission may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of the bridge or bridges.

Section 7. **Revenues.**—The commission is hereby authorized to fix, revise, charge and collect tolls for the use of each bridge under its control, including any bridge which shall have reverted to the city under the provisions of Section 15 of this Act. Such tolls shall be so fixed and adjusted with respect to the aggregate of tolls from such bridge or bridges as to provide a fund sufficient with other revenues, if any, to pay (a) the cost of maintaining, repairing and operating such bridge or bridges and

any other expenses payable from such tolls and (b) the principal of and the interest on the bonds which are payable from such tolls as the same shall become due and payable, and to create reserves for such purposes. Such tolls shall not be subject to supervision or regulation by any other department, division, commission, board, bureau or agency of the city or of the Commonwealth. The tolls and all other revenues derived from such bridge or bridges, except such part thereof as may be necessary to pay such cost of maintenance, repair and operation and such other expenses and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other moneys so pledged and thereafter received by the commission shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the city or the commission, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the commission. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

Section 8. **Trust funds.**—All moneys received pursuant to the authority of this Act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Act. The resolution

authorizing the bonds of any issue or the trust agreement securing such bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this Act and such resolution or trust agreement may provide.

Section 9. **Remedies.**—Any holder of bonds issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by such trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the Commonwealth or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this Act or by such trust agreement or resolution to be performed by the commission or by any officer or employee thereof, including the fixing, charging and collecting of tolls.

Section 10. **Exemption from taxation.**—The exercise of the powers granted by this Act will be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of bridges by the commission will constitute the performance of essential governmental functions, the commission shall not be required to pay any taxes or assessments upon any bridge or any property acquired or used by the commission under the provisions of this Act or upon the income therefrom, and the bonds issued under the provisions of this Act, their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from taxation within the Commonwealth.

Section 11. **Bonds eligible for investment.**—Bonds issued by the commission under the provisions of this Act are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, all insurance com-

panies, trust companies, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law.

Section 12. **Miscellaneous.**—Each bridge constructed or operated under the provisions of this Act shall be maintained and kept in good condition and repair by the commission.

All private property damaged or destroyed in carrying out the powers granted by this Act shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation shall be made therefor out of funds provided under the authority of this Act.

All counties, cities, towns and other political subdivisions and all public agencies and commissions of the Commonwealth, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the commission at its request upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions, agencies or commissions of the Commonwealth may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the commission, including public roads and other real property already devoted to public use.

Within ninety days after the expiration of each fiscal year the commission shall make an annual report of its activities for the preceding fiscal year to the city. Each such report shall set forth a complete operating and financial statement covering its

operation during such fiscal year. The commission shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof may be treated as a part of the cost of operation of the bridge or bridges.

No officer or employee of the commission shall have any interest direct or indirect in the sale or purchase of any bonds authorized by this Act. Violation of this provision shall be punishable by fine of not more than $1,000 or by imprisonment for not more than one year, or both.

Section 13. **Bridge revenue refunding bonds.**—The commission is hereby authorized to provide for the issuance of bridge revenue refunding bonds of the city for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if the commission shall so determine, for the additional purpose of constructing improvements, extensions, or enlargements of the bridge or bridges in connection with which the bonds to be refunded shall have been issued. The commission is further authorized to provide for the issuance of (a) refunding any bonds then outstanding which shall have been issued under the provisions of this Act, incluidng the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and (b) paying all or any part of the cost of any additional bridge or bridges. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the commission in respect of the same, shall be governed by the provisions of this Act in so far as the same may be applicable.

Section 14. **Credit of city not pledged.**—Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the city or a pledge of the faith and credit of the city, but such bonds shall be payable solely from the funds herein provided therefor from revenues. All such revenue bonds shall contain on the face thereof a statement to the effect that neither the city nor the commission shall be obligated to pay

the same or the interest thereon except from the bridge revenues which are pledged for that purpose and that neither the faith and credit nor the taxing power of the city is pledged to the payment of the principal of or the interest on such bonds.

All expenses incurred in carrying out the provisions of this Act shall be payable solely from funds provided under the authority of this Act and no liability or obligation shall be incurred by the commission hereunder beyond the extent to which moneys shall have been provided under the provisions of this Act.

Section 15. **Reversion of existing bridges.**—In case the city shall have theretofore financed the construction of a bridge by the issuance of revenue bonds payable from tolls and all the right, title and interest in and to such bridge, including lands and appurtenances, shall have vested in the Commonwealth for the use and benefit of the Department of Highways, all the right, title and interest in and to such bridge, including lands and appurtenances, shall revert to the city for the use and benefit of the commission upon the happening of the following conditions:

(a) the creation of a bridge commission by the city under the provisions of this Act, and

(b) the adoption of a resolution by the commission expressing the intention of the commission to finance the construction of an additional bridge or bridges under the provisions of this Act.

Certified copies of the ordinance creating the commission and of such resolution shall be filed with the Department of Highways. Thereupon the commission shall assume the operation, maintenance and repair of such bridge and may charge such tolls for the use of such bridge as it may deem necessary to provide funds for the operation, maintenance and repair of such bridge, and to pay any part of the cost of such additional bridge or bridges, including but not limited to the cost of construction, the principal of and the interest on the bonds issued to pay all or a part of such cost, the cost of traffic studies and estimates, of engineering, financial and legal expenses, of plans and specifications and other expenses of the commission. Such

bridge may be combined for financing purposes with any additional bridge or bridges constructed by the commission under the provisions of this Act.

Section 16. **Additional method.**—The foregoing sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing; provided, however, that the issuance of bridge revenue bonds or bridge revenue refunding bonds under the provisions of this Act need not comply with the requirements of any other law applicable to the issuance of bonds.

Section 17. **Act liberally construed.**—This Act, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.

Section 18. **Constitutional construction.**—The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 19. **Repeal.**—The provisions of KRS 181.010 (3) and 181.300 to 181.500, inclusive, are hereby repealed. All other laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

H. B. No. 262. AN ACT concerning the placing of fire hydrants in the public ways in cities of the first class; the letting of contracts therefor and the apportionment of the costs thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 93.380 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The legislative body of any city of the first class may, by ordinance, on recommendation of the director of works, cause the installation of fire hydrants in the public ways.

(2) In the ordinance providing such installation of fire hydrants the city legislative body may authorize the city to do the work with its own forces and equipment or by subcontract with another public corporation or governmental agency, as well as by contract with private individuals or corporations in accordance with Section 93.080 of the Kentucky Revised Statutes. In such case the city shall prepare, prior to the opening of bids, an estimate of costs for the work, which estimate shall be read publicly at the time of opening the bids for the work, and which estimate must be itemized in the same classification as the bids. If the city's estimate is lower than any of the valid bids received, the city may then do the work with its own forces and equipment or by subcontract as provided above and the costs as stated in the city's estimate shall not be exceeded in apportioning the cost thereof among the benefited property owners.

(3) The cost shall be apportioned by the director of works exclusively against the owners of lots fronting the public ways to the middle of each square, from the intersection at or near which the work is located, according to the number of square feet in the lots, or in any other equitable mode of apportionment which the city legislative body may prescribe by ordinance.

H. B. No. 237. AN ACT relating to collection of taxes in fifth-class cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 92.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The chief of police of each city of the fifth class shall collect all taxes placed in his hands for collection by the city council, except license taxes and taxes paid by banks, trust companies, building associations and other corporations, which shall be paid directly to the city treasurer.

(2) The city council of each city of the fifth class may appoint a city tax collector, who shall perform the duties pertaining to the collection of taxes set out in subsection (1) of this

section and in subsection (1) of KRS 92.640. The collector shall give bond in a sum fixed by the city council.

(3) If the city council so desires, and as an alternative to appointing a tax collector, it may place the tax bills, except those for taxes required to be paid directly to the city treasurer under subsection 1, in the hands of the sheriff for collection. In that case the sheriff shall collect the taxes upon receiving the advice of the city council that the taxes have been levied and the amount to collect. The sheriff shall collect the taxes at the same time, and shall have the same powers, as in the collections of state and county taxes.

Section 2. Subsection (2) of section 92.640 of the Kentucky Revised Statutes is amended to read as follows:

(2) When the sheriff is designated to collect the taxes of any city of the fifth or sixth class, he shall make a settlement on or before the tenth day of each month, with the city treasurer, for the taxes so collected.

H. B. No. 222. AN ACT relating to Alimony and Divorce Actions, amending and re-enacting section 423 of Carrolls Code of Civil Practice.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 423 of Carroll's Code of Civil Practice is re-enacted and amended to read as follows:

Section 423. The plaintiff, to obtain a divorce, must allege and prove, in addition to a legal cause of divorce:

(1) A residence in this state for one year next before the commencement of the action. Provided, that any person who has been a resident of any United States Army Post, Military Reservation, or Fort within the State of Kentucky for one year, or a resident of this State and resided on such United States Army Post, Military Reservation, or Fort together aggregating one year, before filing of the petition may bring and maintain an action for divorce in any county adjacent to said army post or military reservation.

(2) That the cause of divorce occurred or existed in this State, or, if out of this State, either that it was a legal cause of divorce in the State where it occurred or existed or under the provisions of Section 403.020 of the Kentucky Revised Statutes and any amendments thereto, or that the plaintiff's residence was then in this State, or that said cause for divorce occurred or existed on any U. S. Army Post, Military Reservation, or Fort within the State of Kentucky.

(3) That the cause of divorce occurred or existed within five years next before the commencement of the action.

H. B. No. 215. AN ACT relating to the Statute of Frauds.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 371.010 of the Kentucky Revised Statutes is amended to read as follows:

No action shall be brought to charge any person:

(1) For any representation or assurance concerning the character, conduct, credit, ability, trade or dealings of another, made with intent that such other may obtain thereby credit, money or goods:

(2) Upon any promise to pay a debt contracted during infancy, or any ratification of a contract or promise made during infancy;

(3) Upon any promise of a personal representative as such to answer any liability of his decedent out of his own estate;

(4) Upon any promise to answer for the debt, default or misdoing of another;

(5) Upon any agreement made in consideration of marriage, except mutual promises to marry;

(6) Upon any contract for the sale of real estate, or any lease thereof for longer than one year: Provided, however, that where there has been a delivery and assumption of actual possession of the real estate in reliance upon a parol agreement

sufficient to constitute substantial performance, the terms of this statute not be applicable.

(7) Upon any agreement that is not to be performed within one year from the making thereof; or

(8) Upon any promise, agreement, or contract for any commission or compensation for the sale or lease of any real estate or for assisting another in the sale of lease of any real estate; unless the promise, contract, agreement, representation, assurance or ratification, or some memorandum or note thereof, be in writing and signed by the party to be charged therewith, or by his authorized agent. The consideration need not be expressed in the writing, but it may be proved when necessary or disapproved by parol or other evidence.

H. B. No. 165. AN ACT relating to the fees of jailers; amending KRS 64.150.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly courts, per day not exceeding	$2.00
Furnishing fuel and lights to county and quarterly courts, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day	2.00
Putting a prisoner in irons, for an offense other than a felony or contempt, besides the cost of irons	.50
Keeping and dieting prisoners in jail, when confined for an offense other than a felony or contempt of court, per day	1.75

Keeping and dieting prisoners in jail, in counties containing a first-class city, when confined for an offense other than a felony or contempt of court per day------ 1.75

Imprisoning and releasing a prisoner charged with a misdemeanor ---------- .60

(2) Where the prisoner is confined for a breach of the by-laws or ordinances of a city, or for violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt ---------- .60

Keeping and dieting a prisoner charged with a felony or contempt, per day ---------- 1.75

Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of irons ---------- .50

Each day's attendance upon the circuit court---------- 2.00

Furnish fuel, light and water to the circuit court, not exceeding, per day ---------- 2.00

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

Section 2. This Act shall take effect on the first Monday in January, 1954.

H. B. No. 288. AN ACT amending Section 104.390 of the Kentucky Revised Statutes, relating to the State Flood Control and Water Usage Board.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 104.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is hereby created in the Department of Conservation a board to be known as the Flood Control and Water Usage Board (hereinafter referred to in KRS 104.390 to 104.440 as the Board). The board shall be composed of nine members, who shall be appointed by the Governor, and not more than five of whom shall be of the same political party. One member shall be appointed from each of nine districts which shall be defined by the Commissioner of Conservation with the approval of the Governor.

(2) Upon the appointment of the first members, the Governor shall designate three members for terms of two years, three for three years, and three for four years; thereafter, except for appointments to fill unexpired terms, each appointment shall be for a term of four years. All terms shall be deemed to commence as of July 1. Appointments shall be made of persons who are qualified to represent the interest of the public in matters pertaining to flood control and municipal and industrial water usages.

(3) As advisors and consultants there shall be associated with the board the Commissioner of Highways, the Commissioner of Health, the Director of the Division of Game and Fish and the President of the University of Kentucky, or their designated representatives. The board shall have the authority to call upon as consultants and advisors any other persons whose qualifications and interests might be of assistance to the board in problems relating to flood control and water usage.

(4) The members of the board shall take the constitutional oath of office, and shall meet within thirty days after their appointment and designate a chairman from among their members and may from time to time change such designation. A majority of the board shall constitute a quorum. The board shall hold at least four regular meetings per year and such additional meetings as may be required, and shall keep a record of its official actions. Members of the board shall receive no compensation for their services, but shall be entitled to traveling expenses, including meals and lodging, necessarily incurred in discharging their duties.

(5) Administrative units and staffs to aid in the per-

formance of the functions contemplated by KRS 104.390 to 104.440 may be established upon authorization of the Governor in accordance with such detailed organization plan as may be determined by the Governor, under the provisions of KRS Chapters 12, 42 and 45. (1948, c. 229, 1; effective June 17, 1948) Flood Control and Water Usage Board is attached to Department of Conservation, KRS 146.020.

H. B. No. 289. AN ACT amending Section 146.090 of the Kentucky Revised Statutes, relating to the Soil and Water Resources Commission.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 146.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Soil and Water Resources Commission shall consist of nine members, not more than five of whom shall be of the same political party, to be appointed by the Commissioner of Conservation from districts which shall be defined by the Commissioner of Conservation with the approval of the Governor.

(2) One member shall be appointed from each of the districts from a list of two names submitted from each such district by the supervisors of the soil conservation districts that have their principal offices therein. All members shall be supervisors of soil conservation districts.

(3) The term of office of each such member shall be four years except that as to the members first appointed the Commissioner of Conservation shall designate three members for terms of two years, three for three years, and three for four years; provided that, whenever a member of the commission ceases to hold the office of district supervisor by virtue of which he is serving on the commission, his term of office as a member of the commission shall be terminated, in which case, and in the case of any other vacancy other than one caused by the expiration of a term, a successor shall be appointed by the Commissioner of Conservation to serve the remainder of the unexpired term.

(4) The members of the commission shall designate a chairman from among their members and may from time to time change such designation. The commission may employ such other officers, employes, and agents as it deems necessary and shall provide for surety bonds for members, the director, officers, employes or agents if entrusted with funds or property, and it shall keep a record of its official actions. A majority of the commission shall constitute a quorum. The commission may call upon the Attorney-General for such legal services as it may require. It may delegate to its chairman, any of its members, the director of the division or any officer, employe, or agent, such powers and duties as it deems proper. Members of the Commission shall receive no compensation for their services, but shall be entitled to expenses, including traveling expenses, necessarily incurred in discharging their duties.

H. B. No. 282. AN ACT authorizing payment of traveling expenses of certain public officers and employees of counties containing cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That, in any county containing a city of the first class, the members of the Fiscal Court and any of its employees, the County Judge and County Attorney and his assistants, when duly authorized by a majority vote of the Fiscal Court of such county, may attend conferences, meetings, legislative or judicial hearings upon matters pertaining to county government or to the county's business, and the expenses of such attendance shall be borne and paid out of the county levy in the manner provided by such authorization.

Before any such expenses are so paid by the Fiscal Court, the attendant at any such meeting, conference or hearing shall, within 10 days after his return therefrom file with the Fiscal Court an itemized statement of all expenses incurred by him, and such statement shall be a public record and spread at large upon the minute book of such court.

H. B. No. 158. AN ACT relating to mines and minerals.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 351.010 of the Ky. Revised Statutes is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Approved" means a device, apparatus, equipment, machinery or practice approved by the Chief of the Department of Mines and Minerals.

(b) "Chief" means Chief of the Department of Mines and Minerals.

(c) "Commercial mine" means any coal mine from which coal is mined for sale, commercial use or exchange. This term shall in no instance be construed to include a farm mine where coal is produced for own use.

(d) "Department" means the Department of Mines and Minerals.

(e) "Drift" means an opening through the strata, with opening grades such as to permit coal to be hauled by mules or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress, egress and other purposes in connection with the mining of coal.

(f) "Gaseous mine" means a mine in which the percentage of explosive gas exceeds one-fourth of one percent at the return of any one split.

(g) "Gassy mine" means a mine in which methane has been detected by a flame safety lamp or one in which there is a record of methane having been ignited.

(h) "Mine" means any open pit or any underground workings from which coal is produced for sale, exchange or commercial use, and all shafts, slopes, drifts or inclines leading thereto, and includes all buildings and equipment, above or below the surface of the ground, used in connection with such workings. Work-

ings that are adjacent to each other and under the same management and which are administered as distinct units shall be considered a separate mine.

(i) "Mine foreman" means the person whom the operator or superintendent places in charge of the workings of the mine and of persons employed therein.

(j) "Nongaseous mine" means any mine not classified as a gassy or a gaseous mine.

(k) "Open-pit mine" shall include open excavations, prospect openings, and open-cut workings for the extraction of coal.

(l) "Operator" means an individual, firm or corporation operating a coal mine or any part thereof.

(m) "Pure intake air" means air that has not passed through the last working place of the split or by the unsealed entrances to abandoned workings and by analysis contains not less than twenty percent oxygen nor more than one-half of one percent of carbon dioxide, nor any dangerous quantities of flammable gas nor any harmful amounts of poisonous gas or dust.

(n) "Return air" means air that has passed through the last active working place on each split, or air that has passed through abandoned, inaccessible or pillared workings.

(o) "Shaft" means a vertical opening through the strata that is or may be used, in connection with the mining of coal, for the purpose of ventilation or drainage, or for hoisting men, coal or materials.

(p) "Slope" means an inclined opening used for the same purpose as a shaft.

(q) "Superintendent" means the person who, on behalf of the operator, has immediate supervision of one or more mines.

(2) Except as the context otherwise requires, this chapter applies only to commercial coal mines.

Section 2. Section 351.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any party in interest dissatisfied with an order of the

department may commence an equitable action against the department and other interested parties as defendants, to vacate or set aside, in whole or in part, any such order. The action may be brought in the circuit court of the county where the subject matter involved in the order, or the well or workable coal bed or part thereof, is located. The court may grant relief from any unlawful or unreasonable order of the department, and render such judgment as appears to it to be equitable and just.

(2) The pendency of the action shall not of itself suspend the operation of the order of the department, but during the pendency of the action any party may secure from the court an order suspending or staying the operation of the order of the department pending the action by giving to the other parties adequate security, approved by the court, against loss due to the delay in enforcement of the order, in case the order under review is not set aside, and the court may, without security being given, suspend the operation of the order, in whole or in part, on such terms as it deems just and in accordance with the practice of courts of equity; provided, however, that the operation of an order pertaining to safety in coal mines shall not be suspended temporarily pending final decision of the court.

(3) Appeals may be taken to the Court of Appeals as in other cases.

Section 3. Section 351.050 of the Kentucky Revised Statutes is amended to read as follows:

On July 13 of every fourth year, beginning with 1934, the Governor shall appoint a Chief of the Department of Mines and Minerals for a term of four years. The oath taken by the chief of the department shall be in writing and certified by the officer administering it, and the oath and certificate shall be filed in the office of the Secretary of State. The chief shall receive a salary of seventy-five hundred dollars per annum, payable monthly, and shall be paid his necessary traveling and other expenses incurred on account of and when engaged in the discharge of his official duties. The provisions of KRS 64.640 shall not apply to the salary of the Chief of the Department of Mines and Minerals.

Section 4. Section 351.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Chief of the Department of Mines and Minerals shall have full authority over the department and shall superintend and direct the activities of the district mine inspectors and other personnel of the department.

(2) He may, whenever necessary, divide the coal fields of the state into as many inspection districts as there are district mine inspectors, so as to equalize as nearly as practicable the work of each inspector, and may assign to the inspectors their respective districts.

(3) He may, whenever he deems it necessary in the interest of efficient supervision of the mines, temporarily employ the services of additional mine inspectors or change inspectors from one district to another.

(4) He shall superintend and direct the inspection of mines and cause to be investigated the character and quality of air in mines whenever conditions indicate the necessity of doing so.

(5) He shall collect statistics relating to coal mining in the state and make an annual report of such statistics.

(6) He shall see that maps, plans, projections and proposed developments of all coal mines are made and filed in his office.

(7) He shall keep a properly indexed, permanent record of all inspections made by himself and the personnel of the department.

(8) He shall exercise general supervision over the training of officials and workmen in safety and first aid and mine rescue methods and may conduct demonstrations in safety whenever he deems it advisable.

(9) He shall exercise general supervision over the dissemination of information among officials and employes concerning mine ventilation, mining methods and mine accidents and their prevention, and shall assume full charge in the event of mine fire or explosion or other serious accident at any mine in the state.

(10) He may assist in the resumption of operations of any mine or gather data for the development of any coal seams that would be of any benefit to the state or create new employment.

(11) The chief of the department may prescribe reasonable safety standards governing the use of explosives, electrical and mechanical equipment in the operation of open-pit or surface mines.

(12) The Chief of the Department of Mines and Minerals shall have the power and authority to adopt, amend, or rescind such rules, regulations, and standards as he deems necessary and suitable for the proper administration of the Department of Mines and Minerals. Rules, regulations, and standards may be adopted, amended, or rescinded by the Chief of the Department of Mines and Minerals only after public hearing or an opportunity to be heard thereon of which proper notice has been given. Proper notice shall be considered to have been given when published in two newspapers of state-wide circulation and a lapse of ten days from the date of such publication. Such rules, regulations, and standards so adopted shall carry the full force and effect of law. This provision shall not be applicable to rules, regulations, and standards in effect at the time of the approval of this act by the Governor.

Section 5. Section 351.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) Adequate offices shall be furnished the Department of Mines and Minerals in the Mineral Industries Building of the University of Kentucky at Lexington, and its main office shall be located there. The department shall have access to the facilities of the Mining Laboratory and the Kentucky Geological Survey.

(2) The offices of the district mine inspectors shall be at such places within their respective districts as the chief of the department designates, and each district mine inspector shall be provided with a suitable office.

Section 6. Section 351.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Governor shall appoint an adequate number of district mine inspectors to insure at least four inspections annually, provided the mine is in operation the entire year or the proportionate thereof, of all the mines in the state. One or more of the appointees shall be designated as electrical mine inspectors. The Governor shall also appoint an adequate number of inspectors of mine weights. The term of office of each district mine inspector and each inspector of mine weights shall be during the period of capable, efficient service and good behavior.

(2) All district mine inspectors and inspectors of mine weights shall have a thorough knowledge of first aid and mine rescue and be able to instruct in first aid and mine rescue, and shall possess thoroughly the knowledge required of the chief of the department by KRS 351.060, and shall have a thorough practical knowledge of mining gained by at least ten years' experience in and about coal mines, at least five of which must have been in and about mines in this state.

(3) No person shall be appointed to the office of district mine inspector until he has passed a satisfactory examination before the Board of Examiners. The Chief of the Department of Mines and Minerals may recommend to the Governor applicants for district mine inspector who have successfully passed the examination and are proved by worth, training and experience to be the most competent of the applicants.

(4) District mine inspectors and inspectors of mine weights shall be of good moral character and temperate habits and shall not, while holding office, act in any official capacity in operating any coal mine.

(5) Each district mine inspector, electrical inspector, and inspector of mine weights shall receive such salary as may be fixed pursuant to the provisions of KRS 64.640.

(6) Each district mine inspector and inspector of mine weights shall take oath, which shall be certified by the officer administering it. The oath, in writing, and the certificate, shall be filed in the office of the Secretary of State.

(7) Each district mine inspector and inspector of mine weights shall give bond with surety approved by the Governor.

Section 7. Section 351.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Board of Examiners for the certification of district mine inspectors, mine foremen and fire bosses shall consist of the following members:

(a) The Chief of the Department of Mines and Minerals;

(b) Any two district inspectors, the selection of whom is optional with the chief, who may select them alternately or otherwise;

(c) One miner holding a mine foreman's certificate of the first class who has had at least seven years of practical experience in the mining of coal, four years of which have been in the mines of this state, and who is actually employed in mining coal at the time of appointment; and

(d) One operator who at the time of his appointment is actually engaged in operating a coal mine in this state.

(2) Each member of the board except the chief shall be recommended by the chief and appointed by the Governor for a term of four years.

(3) The type of examinations given for inspectors, foremen and fire bosses shall be determined by the board. The examinations shall be conducted by an examiner or examiners approved by the board.

(4) The Chief of the Department of Mines and Minerals shall be chairman of the board and whenever it is necessary for him to be absent from any meeting of the board he may designate any other member to preside during his absence. A majority of the members shall constitute a quorum, with authority to transact business, hold examinations and issue certificates. The chairman shall keep a record of all proceedings of the board, including the names and addresses of persons who have been granted certificates and of those who have failed to pass the examination.

(5) The operator and miner members of the board shall receive twenty dollars per day plus the necessary travel and other necessary expenses incurred while in the performance of their official duties.

(6) All money paid to the State Treasurer for licenses and fees required by this Act shall be for the sole use of the Department of Mines and Minerals and shall be in addition to any monies appropriated by the General Assembly for the use of the department.

Section 8. Section 351.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Board of Examiners shall not admit any applicant to take an examination given by it until the applicant has presented to the examiner at the time of registration for the examination a post office money order in the amount of five dollars. The money order shall be made payable to the State Treasurer, Frankfort, Kentucky.

(2) The board may refuse to examine any applicant who cannot readily understand the written English language or cannot express himself intelligently in English, or who is obviously intoxicated.

Section 9. Section 351.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Board of Examiners shall issue a certificate to each person who possesses the qualifications required by law for district mine inspector, mine foreman or fire boss, who has passed the examination given by direction of the board for that position and meets the requirements of subsection (6) of this section.

(2) The certificate shall be in such form as the chief of the department prescribes, shall be signed by the members of the Board of Examiners, and shall show that the holder has passed the required examination and possesses the qualifications required by law for district mine inspector, mine foreman or fire boss, and is authorized to act as such.

(3) Certificates issued to mine foreman, assistant mine foreman and fire bosses shall be classified as follows:

(a) First-class certificates, authorizing the holder to act as foreman for all classes of coal mines;

(b) Second-class certificates, authorizing the holder to act as foreman for any nongaseous coal mine;

(c) Assistant mine foreman certificates, authorizing the holder to act as assistant foreman. Upon the completion of five years' mining experience evidenced by acceptable affidavits, the holder may apply to the board for a foreman's certificate of the same classification.

(d) Fire boss certificates, authorizing the holder to act as fire boss in any mine.

(4) Any mine foreman holding a certificate of the first class may act as fire boss, and any regularly employed fire boss may act in an emergency as a mine foreman holding a first-class certificate.

(5) The class of mine foreman's certificate awarded shall be determined by the Board of Examiners according to the nature of the examination taken by the applicant.

(6) No certificate shall be granted to any person who does not present to the Board of Examiners satisfactory evidence, in the form of affidavits made by well known and responsible persons in the locality from which he came, that the applicant is a man of sobriety and good moral character, and that he has had at least five years' practical experience at and in coal mines, or to any person who is not either a bona fide resident of this state or employed at a mine in this state. A degree in Mining Engineering from a recognized institution of learning may be taken as the equivalent of two years of mining experience. A minimum of three years' underground experience is required of applicants for assistant mine foremen and fire boss certificates.

(7) Persons possessing certificates of qualifications to act as district mine inspector, mine foreman or fire boss prior to this Act are not affected by this section, and assistant foremen are allowed one year from the effective date of this Act to comply with its provisions pertaining to certifications.

Section 10. Section 351.130 of the Kentucky Revised Statutes is amended to read as follows:

If any district mine inspector, mine foreman, assistant mine foreman, or fire boss misplaces his certificate or it is destroyed, he shall apply to the Chief of the Department of Mines and Minerals for a duplicate certificate, including with his application an affidavit stating in full how the certificate was destroyed or misplaced, and if the chief deems it proper he shall furnish the district mine inspector, mine foreman, assistant mine foreman or fire boss with a duplicate certificate. Any person applying for a duplicate certificate shall pay a fee of two dollars to the State Treasurer.

Section 11. Section 351.140 of the Kentucky Revised Statutes is amended to read as follows:

Each mine inspector shall give his entire time and attention to the duties of his office, which shall consist of the following:

(1) Inspecting coal mines and aiding under the direction of the chief of the department in carrying out and enforcing the provisions of the laws relating to the inspection of coal mines;

(2) Training officials and workmen in and about the mines in first aid and mine rescue methods;

(3) Advising officials and workmen in methods pertaining to safety in all its phases and in methods pertaining to the prevention of mine fires and explosions;

(4) Taking charge of mine rescue and recovery work whenever a mine fire, mine explosion or other serious accident occurs within his district, and the chief is not present, and assisting in such work in other districts when so directed by the chief;

(5) Reopening mines or portions of mines that have been sealed on account of fire or any other cause, when directed by the chief to do so; and

(6) Inspecting each mine in his district at least once every three months, or oftener if practicable and if funds permit, and, whenever any danger to the workmen may exist, making a personal examination of the interior of each mine with respect to

ventilation, drainage, timbering, blasting, electricity and general security, and also a personal examination of the outside of the mine.

Section 12. Section 351.170 of the Kentucky Revised Statutes is amended to read as follows:

The owner, lessee, or superintendent of each commercial coal mine shall give at the end of each month and at the end of each calendar year accurate information, on blanks furnished by the chief of the department, as to the number of accidents that have occurred, the number of persons employed, the tons of coal mined and any other related information that the chief requests.

Section 13. Section 351.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The inspectors of mine weights may inspect and test all scales, except railroad scales, used in connection with any commercial coal mine in this state, and shall determine their mechanical condition and accuracy. Each coal operator or superintendent shall render such assistance to the inspector of mine weights as may be necessary in conveying and handling the weights and other appliances that are needed for the proper inspecting and testing of scales. The inspector of mine weights shall leave a written record with the mine operator or superintendent as to the condition of the scales inspected and shall post in the weight office a record of the inspection of the scales. If upon inspecting and testing any mine scale the inspector deems it necessary that the scale have any parts replaced, or that the scale be reconditioned or the foundation or building repaired or renewed, the operator or superintendent shall immediately comply with his recommendations.

(2) Each operator shall pay a fee of fifteen dollars, to the department, by check or money order made payable to the State Treasurer, for each mine scale inspection. If a scale inspection is requested, and the scales are found to be in tolerance, the party making the request shall be required to pay for such inspection. The accepted tolerance shall be the tolerance established by the law of the Commonwealth of Kentucky.

Section 14. Within forty-five days after January 1, 1953, and of each year thereafter, the owner, operator, or lessee of each mine shall procure from the Department of Mines and Minerals a license to operate such a mine, and such license shall not be transferable. Any owner, operator, or lessee who assumes control of a mine, opens a new mine, or re-opens an abandoned mine during any calendar year shall procure such license before mining operations are begun.

The license shall be in such printed form as the chief may prescribe and when issued shall be kept posted at a conspicuous place near the main entrance of the mine.

Requests for such license shall be made to the Department of Mines and Minerals, and such requests shall be accompanied by a post office money order or cashiers check drawn in favor of the State Treasurer in the amount of fifteen dollars for each mine. When the annual report of the operator and the annual mine map, as required by this act are properly submitted, to the department, the license shall be issued. The chief or his accredited agents shall have the authority to extend the time for the filing of the map.

Any owner, operator, or lessee operating a mine and who fails to obtain his license as required by this section shall be guilty of a misdemeanor, and shall be fined not less than twenty-five dollars nor more than two hundred dollars at the discretion of the court. Each day the mine is operated without a license constitutes a separate offense.

Section 15. Section 352.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The ventilation of all coal mines shall be produced by means of mechanically operated fans located outside the mine and offset at least fifteen feet to one side of the opening, equipped with explosion doors or weak walls and arranged so that ventilating current may be reversed if necessary. In gaseous mines the main fan shall be operated from a power circuit independent from the mine circuit. If inside fans are required to ventilate working places on longwall or modern systems of mining the

Chief of the Department of Mines and Minerals must first approve the installation.

(2) The operator, superintendent or foreman of every coal mine worked by shaft, slope or drift shall provide and maintain for every mine adequate ventilation affording at least one hundred cubic feet of air per minute for each person employed in the mine and at least two hundred cubic feet of air per minute for each animal working in the mine, unless the mine liberates explosive quantities of gas, in which case he shall provide at least one hundred fifty cubic feet of air per minute for each person and three hundred cubic feet of air per minute for each animal, and as much more air as the district inspector deems necessary. At least six thousand cubic feet of air per minute shall be circulated around the main headings, cross headings, room headings and through the last open breakthrough; and sufficient air shall be directed to the working faces to such an extent as to dilute, render harmless and carry off any noxious or dangerous gases. In pillar workings at least six thousand cubic feet of air per minute must be delivered to the beginning of the pillar line.

(3) When the air from a split has passed through and has ventilated all of the working places in an air split of a mine it shall then be designated as return air.

(4) As working places advance, breakthroughs for air shall be made sixty feet apart, except where it is now permitted, with the approval of the district mine inspector and the chief of the department, to drive to ninety feet before making breakthroughs, and except that where longwall or modern systems of mining are used the chief may approve a greater distance between breakthroughs or the method of ventilating such longwall or modern systems of mining. If any breakthroughs between intake and return airways are not required for the passage of air, they shall be closed with stoppings. All stoppings shall be substantially built with suitable material subject to the approval of the district mine inspector so as to keep the working places well ventilated. Doors on the main haulways shall be avoided in gaseous mines where practicable, and overcasts, built of concrete or other suitable material and of ample strength, shall be

adopted. Where doors are used they shall be built in a substantial manner, and shall be hung so as to close automatically when unobstructed.

(5) After the effective date of this Act in developing entries where rubber belt conveyors are to be installed, with the exception of rubber belt conveyors in slopes, it is required that not less than three parallel entries be driven and that breakthroughs be driven on both sides of the entry to be used as a belt entry with permanent stoppings to be erected in each breakthrough driven between the belt entry and return entry. Stoppings shall be erected in each breakthrough driven between the belt entry and the other intake entry with mandoors placed in line of stoppings not farther than five hundred feet apart. One entry on the intake side of the belt entry shall be maintained as a travelway and the entry or entries in one side of the belt entry shall be ventilated by intake air; on the other side by return air. A regulator shall be placed on the belt entry to reduce the volume of air traveling in this entry to a minimum required for effective ventilation of the entries and the air ventilating the belt entry shall be carried directly to the return before it reaches the working faces of the mine.

(6) The preceding provisions as pertain to the use of rubber belt conveyors shall apply only to installations which are made after the effective date of this Act, and if any operator is unable to comply with these provisions the department may prescribe the conditions under which the new installation shall be made.

(7) In a mine where methane is liberated and can be found to an extent of one-half of one percent or more, by analysis, on the return of any one split, the district inspector with the approval of the chief may require the mine to be ventilated by the exhaust system, requiring the haulage roads and all trolley and feed wires to be located on the intake air and the electrical system to be so arranged that no wires carrying electrical current shall be on return air. A period of not more than ninety days from date of notification shall be allowed to make the changes required.

Section 16. Section 352.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) As many as sixty persons may work in the same air current or split, and with the approval of the district mine inspector and the chief of the department as many as eighty persons may work in the same air current. Every mine, and all portions thereof, shall be ventilated by one or more currents of air, which shall contain not less than twenty percent of oxygen, nor more than one-half percent of carbon dioxide, nor any dangerous quantities of inflammable gas, nor any harmful amount of poisonous gases or dust, when the current of air enters into each split. In any event, the ventilation shall be sufficient to prevent methane accumulations, so far as practicable, and to keep the methane percentage in the return of any split to not more than one-half percent in a dusty mine and not more than three-fourths percent in a nondusty mine.

(2) The ventilating current shall be circulated through the haulageways, travelways and airways so as to reach all portions of the mine, except sealed sections; and it shall be circulated through the entries and rooms around the ends of line brattice and along pillar lines. It shall be conducted to the last breakthrough, or to the working faces if required, by means of such stoppings, check doors, curtains and brattice as may be necessary or required, in order to dilute, render harmless and carry away the noxious and dangerous gases, smoke and dust liberated therein, and to supply a sufficient quantity of ventilation for all emergencies.

(3) When mine ventilation, formerly satisfactory and adequate, becomes deficient in quality or quantity, the Department of Mines and Minerals shall have authority to order improvement of the ventilation.

(4) No operator, superintendent or mine foreman shall permit any person to work at a place where sufficient ventilation cannot be maintained, except persons employed to make the places of employment safe in compliance with the requirements of this chapter, and while repair work necessary to comply with the requirements is in progress no person shall be permitted to enter that part of the mine affected except those actually em-

ployed in doing the repair work. Such repair work shall be done under the constant supervision of an official designated by the mine foreman.

(5) If any accident occurs to the ventilating fan or its machinery, so that the ventilation of the mine or a section or sections will be seriously interrupted, the mine foreman shall order the men to withdraw immediately from the mine or from the affected section or sections, and shall not allow them to return until the ventilation has been restored and the mine or the affected section or sections thoroughly examined by him or by an assistant mine foreman or fire boss and reported safe.

Section 17. Section 352.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The use of machinery powered by an internal combustion engine or motor in any coal mine within this Commonwealth is hereby prohibited, provided that the chief may if he is satisfied that it will not be injurious to the health or the safety of the employes authorize the use of diesel powered machinery under such reasonable general or special ruling and regulations as he may from time to time promulgate.

(2) No steam locomotive shall be used in any mine unless it is approved in writing by the chief of the department.

(3) No operator, superintendent, or mine foreman shall provide a horse or mule stable inside any mine, unless it is approved in writing by the chief of the department.

Section 18. Section 352.060 of the Kentucky Revised Statutes is amended to read as follows:

The following rules shall govern in the rock-dusting of mines:

(1) All dry mines, or parts of mines, or sections thereof, shall be rock-dusted if conditions are found to be dusty or hazardous, after proper inspection. In event such conditions are found to exist then the chief or his accredited representative shall require the necessary rock-dusting to make the mine, part of mine or section safe.

(2) In all mines, accumulations of fine dry coal dust shall, as far as practicable, be removed from the mine, and all dry and dusty operating sections kept thoroughly watered or rock-dusted, or the dust allayed by other methods approved by the chief of the department; but in every dusty mine, or in any part or section thereof, rock-dusting shall be applied to maintain at all times a minimum percentage of sixty-five percent of noncombustible matter to within forty feet of the faces, and under certain special conditions the department may require that places be rock-dusted to the faces. The term "dusty mine" shall not include a wet or damp mine; but the provisions hereof relating to rock-dusting shall apply to any dusty part or section of a wet or damp mine.

Section 19. Section 352.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) All unused workings and abandoned parts of mines must be protected by such safeguards as will prevent, so far as practicable, the accumulation or overflow of gas, and all avenues leading thereto shall be so arranged and conducted as to give warning to all persons of the danger of entering, and notice shall be posted warning all unauthorized persons not to enter such parts of the mine.

(2) No person, except persons authorized to make examination thereof, shall enter any unused or abandoned part of a mine after such warning has been posted.

(3) Where the practice is to seal abandoned workings, the sealing shall be done in an effective manner with noncombustible material. In every sealed area, one or more of the seals shall be fitted with a pipe and cap or valve to permit the gases behind the seals to be sampled and also to provide a means of determining any existing hydrostatic pressure. When required by the chief, drill holes shall be extended from the surface to the sealed area, or vent pipes shall be extended from the sealed area to a return air course. Any owner, operator, or lessee who fails to comply with this subsection shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars nor more than two hundred dollars at the discretion of the court. Each day the

mine is operated in violation of this subsection constitutes a separate offense.

Section 20. Section 352.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) No operator, superintendent, or mine foreman of any coal mine shall permit persons to work therein unless there are to every seam of coal worked in the mine at least two separate outlets, separated by natural strata of not less than one hundred feet in breadth if the mine is worked by shaft or slope, and separated by natural strata of not less than fifty feet in breadth if the mine is worked by drift, by which outlets distinct means of ingress and egress are readily available to persons employed in the mine, but it shall not be necessary for the two outlets to belong to the same mine. This subsection does not apply to the openings of a new entry that is being worked for the purpose of making connection between the two outlets so long as not more than twenty persons are employed at one time in making the connection or driving the second opening, or to any mine in which the second opening has been rendered unavailable by reason of final robbing or removal of pillars so long as not more than twenty persons are employed therein at one time.

(2) If any coal mine has but one means of ingress and egress for persons employed therein, and the owner does not own suitable ground for another opening, the owner may select appropriate adjacent ground for that purpose and have it condemned, by proceedings similar to those allowed for securing a private passway, in the county court of the county where the mine is situated.

Section 21. Section 352.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) At every mine operated by shaft, there shall be an approved safety catch, and on all cages used for lowering and hoisting persons there shall be a sufficient and substantial overhead cover. At the top of each shaft a safety gate shall be provided. An adequate brake, so adjusted that it may be operated by the engineer without leaving his post at the levers, shall be attached to every drum or equivalent machine used for lowering

or raising persons at any shaft or slope, and in connection with the hoisting engine an efficient indicator or dial, which will show the engineer the positions of the cages in the shaft at any time, shall be used. Approved means for signaling to the bottom man, the top man and the engineer shall be provided, and all shafts used for lowering or hoisting men shall be equipped with metal tubes or pipes or with telephones, through which conversations may be freely held between persons at the bottom and top landings.

(2) No cages or incline cars on which men are riding shall be lifted or lowered at a rate of speed greater than six hundred feet per minute.

(3) The hoisting rope, the safety catches and the cage attachments shall be examined by the mine foreman, or by some competent person designated by him, every morning before the men descend into the mine, and care shall be taken to keep them in good working condition at all times.

(4) No person shall ride on any cage when coal, slate or similar material is being raised.

(5) No person shall enter a cage at the bottom to be raised to the top during the running hours of the mine, or when leaving work at the close of the day's run, without first being authorized by the bottom man or cager to do so, the bottom man or cager having first signaled to the engineer that men are to be raised.

(6) At every underground landing where persons enter or leave the cage and where persons must pass from one side of the shaft to the other there shall be a passageway not less than three feet wide and of suitable height, kept free from obstruction and as dry as possible, around the shaft; and all employes when passing from one side of the shaft to the other side shall use the passageway only.

(7) Whenever the hoisting or lowering of men occurs before daylight or after dark, or when the landing at which men take or leave the cage is obscured by steam or otherwise, there shall be maintained at each landing a light sufficient to show the landing and objects in immediate proximity thereto, and as long as men are underground a good light shall be maintained at the

bottom of the shaft, so that persons coming to the bottom may discern the cage and objects in the vicinity thereof.

(8) Hoisting ropes on all cages or trips shall be adequate in size to handle the load and have a proper factor of safety. Ropes used to hoist or lower coal and other materials shall have a factor of safety of not less than five to one; ropes used to hoist or lower men shall have a factor of safety of not less than ten to one. The rope shall be replaced as soon as there is evidence of possible failure.

(9) Any rope attached to a cage, man-car, or trip used for hoisting or lowering men shall be provided with two bridle chains or cables connected securely to the rope at least three feet above the socket or thimble and to the crosspiece of the cage or to the man-car or trip.

Section 22. Section 352.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) On single-track haulage roads in mines, which the persons employed in the mine must use while performing their work or while traveling on foot to and from their work, there shall be places of refuge on one side not less than three feet in depth from the side of the mine car, and four feet wide, and not more than sixty feet apart, where haulage is done by machines, and not less than thirty inches in depth from the side of the mine car, and four feet wide, and not more than sixty feet apart, where haulage is done by draft animals.

(2) Special places of refuge are not required on haulage roads on which room necks or breakthroughs occur at regular intervals not exceeding sixty feet, and thus furnish places of refuge, or on haulage roads in which the track is so laid as to give a minimum clearance on one side of not less than thirty inches from the side of any haulage engine or any mine car, the clearance to be on the side of the road opposite that upon which electric wires are strung, if electric wires are strung in the road.

(3) No person shall travel on foot to or from work upon any slope used for haulage or upon any haulage road when other roads in proper condition for travel are available.

(4) On all main haulage roads where hauling is done by machinery the mine foreman shall provide a proper system of signals, and a conspicuous light on the front and the rear of every trip or train of cars when in motion in the mine.

(5) Man-trips shall be operated at safe speeds consistent with the condition of roads and type of equipment used and shall be so controlled that they can be stopped within the limits of visibility, in no event at a speed in excess of twelve miles per hour.

(6) Each man-trip consisting of more than one mine car of men shall be under the charge of a certified official, and it shall be operated independently of any loaded trip of coal or other material.

(7) Cars on the man-trip shall not be overloaded, and sufficient cars in good mechanical condition shall be provided.

(8) No person shall ride under the trolley wire unless suitably covered man-cars are used.

(9) No material or tools except small hand tools shall be transported in the same car with men on any man-trip unless in a separate, enclosed compartment of the car, and all persons shall ride inside of man-trip cars, except the motorman and brakeman or trip rider.

(10) Men shall not load or unload before the cars in which they are to ride or are riding come to a full stop, and men shall proceed in an orderly manner to and from man-trips.

(11) A waiting station shall be provided where men are required to wait for man-trips or man-cages. It shall have sufficient room, ample clearance from moving equipment, and adequate seating facilities.

(12) Trolley and power wires shall be guarded effectively at man-trip stations where there is a possibility of any person coming in contact with energized electric wiring while loading or unloading from the man-trip.

(13) Cars used for transporting men on slopes shall be equipped with a safety device capable of stopping the trip in

event of failure of the rope or couplings. Such device shall be approved by the chief of the department.

(14) Where belts are used for transporting men, a minimum clearance of eighteen inches shall be maintained between the belt and the roof or cross bars, projecting equipment, cap pieces, overhead cables, wiring, and other objects; but where the height of the coal bed permits, the clearance shall not be less than twenty-four inches.

(15) The belt speed shall not exceed two hundred fifty feet a minute while men are being transported, provided the chief may permit belt speeds to be increased or decreased when conditions warrant. Such belt shall be stopped while men are boarding or leaving, unless the speed does not exceed one hundred and seventy-five feet per minute and the clearance from floor to roof is not less than four feet and ten inches at points of loading and unloading.

(16) The space between men riding on a belt line shall be not less than six feet.

(17) Loading and unloading stations shall be illuminated properly.

(18) A certified official or some other competent person appointed by the mine foreman shall supervise the loading and unloading of belts and man-trips.

(19) The chief of the department shall be empowered to draft additional rules and regulations providing for transportation of men when necessary.

Section 23. Section 352.160 of the Kentucky Revised Statutes is amended to read as follows:

In any mine that is not a gaseous mine but in which explosive gas can be detected by means of a flame safety lamp or where there is a known history of a gas ignition, it shall be designated as a gassy mine. The operator or superintendent shall employ first class mine foreman, first class assistant mine foremen, fire bosses or other qualified persons to carry out the requirements of this Act.

Section 24. Section 352.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) In any mine or section of a mine liberating explosive gas that might endanger the lives of persons employed in the mine the district mine inspector or, with the approval of the Chief of the department, may direct the operator or superintendent of the mine to work the mine exclusively by the use of approved safety lamps and approved electric lamps, and the operator or superintendent of the mine shall immediately carry out the directions when so approved.

(2) In mines where flame safety lamps and approved electric lamps are required to be used the lamps shall be in charge of some person designated by the operator or superintendent. Two flame safety lamps shall be kept at every coal mine whether the mine liberates explosive gas or not, if the district mine inspector and the chief deem it desirable. All mine foremen and fire bosses employed in gaseous mines shall, at all times, carry an approved flame safety lamp for the purpose of detecting the presence of explosive gas, the lamp to be kept lighted at all times when in use inside the mine.

(3) No person shall at any time carry into any mine any intoxicants and if the mine is worked by approved safety lamps and approved electric lamps no person shall at any time enter the mine or carry therein any matches, pipes, cigars, cigarettes or any device for making lights or fire not authorized or approved, and in all such mines the operator shall, at frequent intervals, search or cause to be searched any person entering or about to enter the mine or inside the mine, to prevent such person from taking or carrying therein any of the above-mentioned articles.

Section 25. Section 352.180 of the Kentucky Revised Statutes is amended to read as follows:

Whenever serious personal injury or loss of life occurs in a coal mine or in the machinery connected therewith or whenever a fire, explosion or other serious accident occurs, the superintendent of the mine, or if he is absent the mine foreman in charge of the mine, shall immediately give notice forthwith to the district mine inspector, stating the particulars of the accident, and

if anyone is killed thereby to the chief of the department. The district mine inspector shall immediately go to the scene of the accident and make such investigation and suggestions and render such assistance as he deems necessary for the future safety of the employes, investigate the cause of the fire, explosion or accident, make a record thereof, and forward it to the chief. The record shall be preserved with the other records of his office. To aid in making such investigations, the chief or the district mine inspector may compel the attendance of witnesses and administer oaths.

Section 26. Section 352.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following shall apply to underground installations:

(a) On all haulage roads, landings and partings, where men are required to regularly work or pass under bare power wires placed less than six and one-half feet above the top of the rail, suitable protection shall be provided. This protection shall consist of channeling the roof, placing boards along the wires and extending below them, or the use of some other approved device that affords protection.

(b) All machine feed wires shall be placed on glass or porcelain insulators which shall be so placed as to prevent the wires coming in contact with the coal.

(c) When machine or feed wires are carried in the same entry as the trolley wire, they shall be placed on the same side as the trolley wire, between the trolley wire and rib, and shall be protected from contact therewith. Positive feed wires crossing places where persons or animals are required to travel shall be safely guarded or protected from such persons or animals coming in contact therewith, as provided in (a).

(d) All trolley and positive feed wires shall be placed on opposite sides of track from refuge holes or necks of room, when so ordered by the department, but wires, when protected as provided for in (a), may be placed across the necks of rooms. Switches or circuit breakers shall be provided to control the current at the mine, and all important sections in the mine.

(e) All power wires and cables in hoisting shafts or manway compartments shall be properly insulated, substantially fixed and well protected.

(f) Ground wires shall be at least one-fourth as large as the circuit wires, but not smaller than No. 6 B&S gauge.

(g) Extra length or long trailing cables preferably shall be spread out in long open loops on clean, well rock-dusted floor where the cable can be protected against mechanical injury, but cables in suspended long loops will be acceptable.

(h) Trailing cables with more than six temporary splices shall be removed from service and the splices improved before further use.

(i) Single conductor trailing cables shall not be used on cutting machines.

(j) Circuits of four hundred forty volts, three-phase alternating current shall be of insulated wire from transformers connected star-star. The cable shall contain a fourth wire from the center of the transformer star and be connected to the frame of the motor, preferably utilizing a ground trip protective relay.

(k) The frames of hand-held electrically driven tools shall be properly grounded, and they shall be provided with fuses or circuit breakers.

(l) All pump frames and all pipe lines shall be grounded to the rail or the grounding system at about two hundred-foot intervals, except non-metallic pipes, or pipes using insulated type couplings or pipes installed remotely from track or power systems.

(m) Cross-bonds shall be installed at about two hundred-foot intervals along the track.

(n) High voltage cables shall be installed in intake airways, shall have shielding grounded and be buried in a ditch, or otherwise protected against injury, subject to approval by the department.

(o) High voltage cables shall have disconnecting switches, overload protective devices and lightning arresters at, or near, the outside end of the cable.

(p) Inside substations shall have the approval of the department before installation. They shall be in a separate air current. Barriers shall be provided to contain oil that may leak from transformers.

(q) All mine locomotives shall be fused or otherwise protected at the switch or at the nip.

(r) Electric wiring for rubber belt conveyors shall be installed in an intake entry separate from the belt entry. Any necessary wiring, including wiring for lights, that is to be used in the belt entry, shall be carried from such adjoining entry directly to the point of use, and suitable fire-fighting equipment, such as rock dust, shall be located at strategic points along the rubber belt line, and proper type fire extinguishers shall be provided at the transfer points. The chief of the department may prescribe any other safety measures for the prevention and combating of mine fires as they pertain to rubber conveyor belts.

(s) Telephone lines shall be provided with lightning arresters where the lines enter the mine and at the boxes on the outside.

(t) Telephone lines crossing trolley wires shall be carefully protected.

(u) Insulating mats shall be placed in front of switchboards, beside stationary motors, in decks of locomotives, telephones, etc.

(v) Ground wires in trailing cables shall be tested periodically for open circuits and/or high resistance joints.

(w) Power circuits in tipples, buildings, cleaning plants, etc., and all inside electrical circuits should be de-energized when not in use over a long period.

(x) Where electric circuits cross over or pass under belt conveyors, the wiring shall be protected by conduit.

(y) The preceding provisions as pertain to the use of rubber belt conveyors shall apply only to installations which are made after the effective date of this Act, and if any operator is unable to comply with these provisions the department may

prescribe the conditions under which the installation shall be made.

(2) The following shall apply to surface installations:

(a)High voltage lines shall be at least fifteen feet above the ground and twenty feet or more high where there is a possibility of contact by traffic passing underneath.

(b) Protective barriers shall be provided between high voltage wires and telephone or trolley circuits, etc., in case of failure and falling of high tension line across such other circuits.

(c) On four-wire circuits, the fourth or neutral wire terminating at transformers, or elsewhere, shall be of substantial construction to minimize any possibility of the wire being cut in two or damaged mechanically.

(d) On low voltage circuits wires shall be supported on insulators, except when braided cables, made for use without insulators, are used, such as Romex, Loomex, etc. (trade names).

(e) Lightning arresters shall be installed on all direct current and alternating current circuits entering a mine, regardless of voltage. Overload protection and disconnect switches should also be provided.

(f) Every metallic building in which electricity is used or connected with any circuit shall be effectively grounded.

(g) All transformer tanks shall be effectively grounded.

(h) Switch boxes, contactors, controllers, etc. shall be kept free of dust accumulations.

(i) Transformer stations shall be housed or fenced in when lower than fifteen feet above the earth, and the fences shall be a minimum of six feet in height.

Section 27. Section 352.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) After the effective date of this Act in gaseous mines all electrical equipment purchased for face use underground shall be of the permissible or flame-proof type.

(2) No person shall be placed in charge of electrical

equipment in any gaseous mine unless he is a competent person, capable of determining the safety of the roof and sides of the working places and detecting the presence of explosive gas. Operators of electrical face equipment shall undergo an examination to determine their fitness to detect explosive gas before they are permitted to have charge of electric face equipment, unless accompanied by a certified fire boss, or a person having passed such an examination. At gaseous mines safety committeemen, shotfirers, and others whose duty may require them to make examination for gas shall undergo and pass such examination or possess a first-class mine foreman's certificate or fire boss certificate before using a flame-safety lamp underground. The examination shall be given by the district mine inspector; blank forms therefor to be furnished by the department. A copy shall be retained on file at the mine office and the original shall be sent to the department fully made out and signed by the applicant and approved by the district mine inspector.

(3) In any gaseous mine, no electric face equipment shall be brought within the last breakthrough next to the working face until the operator has made an inspection for gas in the place where such equipment is to work, unless the examination is then made by some other competent person authorized and appointed for that purpose by the mine foreman. If any explosive gas is found in the place the electric equipment shall not be taken in until the gas is removed.

(4) While the electric equipment is operating at the face, an examination for gas must be made at not more than fifteen minute intervals. If gas is found the power shall be disconnected from the equipment and left disconnected until the gas is removed and the place reported safe by a certified official.

Section 28. Section 352.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The use of black powder, either granular or in pellet form, and the use of dynamite for firing shots is prohibited in all underground coal mines in the State of Kentucky.

(2) Explosives shall be fired only by electric detonators of the proper strength except as provided for in Section 29 of this Act.

(3) When blasting is done electrically, only permissible single shot blasting units or permissible multiple shot blasting units shall be used unless blasting is done from the surface or by other means approved by the chief of the department.

(4) Individual containers used to carry permissible explosives or detonators underground shall be constructed of substantial nonconductive material. The container shall be closed and maintained in good condition. When explosives or detonators are transported underground by locomotive, rope, or shuttle car, they shall be in covered cars or in special containers.

(a) The bodies and covers of special cars and the containers shall be constructed of nonconductive material.

(b) If explosives and detonators are hauled in the same explosives car or in the same special container, they shall be separated by at least a four inch substantially fastened hardwood partition or the equivalent.

(c) Cardox shells shall not be carried on man-trips.

(d) Where quantities of explosives and detonators are transported in special cars or in special containers in cars, they shall be hauled on a special trip, not connected to any other trip, and shall not be hauled into or out of a mine within five minutes preceding or following a man-trip or any other trip. When traveling with the air current, the explosive trip shall precede the man-trip; when traveling against the air current, the man-trip shall precede the explosive trip.

(5) Explosives and detonators shall be transported underground by belt only under the following conditions:

(a) In the original and unopened case, in special closed cases constructed of nonconductive material, or in suitable individual containers.

(b) Ample clearance shall be provided when transported by belt.

(c) Suitable loading and unloading stations shall be provided.

(d) There shall be an attendant at loading and unloading points and stop controls at these points.

(6) Explosives or detonators shall not be transported on flight or shaking conveyors, or by scraper or mechanical loading machines.

(7) Underground section boxes or magazines shall be of substantial construction and placed in a crossout or idle room neck at least twenty-five feet from roadways or trolley wires and in a reasonably dry and well rock-dusted place; and when such section boxes or magazines are used, the explosives and detonators shall be kept in separate boxes or magazines, or if kept in the same box they shall be separated by at least a four inch substantially fastened hardwood partition or the equivalent. Not more than a forty-eight hour supply of explosives, including any surplus remaining from the previous day, shall be stored underground in such boxes or magazines. Explosives kept near the working faces in individual containers shall be kept not less than fifteen feet from rail or power lines and in a location out of line of blast where they will not likely be subjected to shock. Detonators shall be kept in a separate container under similar conditions. Explosives and detonators shall be kept in their containers fifteen feet apart until removed for use at the working faces.

(8) Boreholes in coal shall not be drilled beyond the back of the cut, nor into the solid rib, roof or floor.

(9) Boreholes shall be cleaned and checked to see that they are placed properly and are of correct depth, in relation to the cut, before being charged.

(10) To prevent blowthroughs, all portions of the boreholes, where the height of the coal permits, shall have a burden in all directions of at least eighteen inches before being fired.

(11) Boreholes shall be stemmed with at least twenty-four inches of incombustible material, or at least two-thirds of the length of the hole shall be stemmed.

(12) Examination for gas shall be made immediately before and after firing each shot where on-shift shooting is done in gaseous mines.

(13) When blasting coal, charges exceeding one and one-half pounds, but not exceeding three pounds, shall be used only if boreholes are six feet or more in depth, and explosives are charged in a continuous train, with no cartridges deliberately deformed or crushed, with all cartridges in contact with each other, and with the hole stemmed solidly for a depth of at least twenty-four inches.

(14) Shots shall be fired by qualified shot firers.

(15) In mines where shooting is done on shift, all shots or series of shots shall be fired immediately after charging.

(16) Only wooden tamping bars shall be used when charging holes.

(17) Leg wires of electric detonators shall be kept shunted or the ends twisted together until ready to connect to the firing cable.

(18) Shots shall not be fired from the power or signal circuit while any men are in the mine.

(19) Roof and faces of working places shall be tested before and after blasting on shift.

(20) Ample warning shall be given before shots are fired, and care shall be taken to ascertain that all persons are in the clear. Men shall be removed from adjoining working places when there is danger of a shot blowing through.

(21) Mixed charges shall not be charged or fired in any borehole.

(22) Adobe (mudcap) or other open, unconfined shots shall not be fired in any mine.

(23) Blasting cables shall be well insulated and as long as may be necessary to permit the shot firer to get in a safe place around a corner, short-circuited at the battery end until ready to attach to the blasting unit, staggered as to length or kept well separated when attached to the detonator leg wires, and kept clear of power wires and all other possible sources of active or stray currents.

(24) Where misfires occur with electric detonators, a

waiting period of at least five minutes shall elapse before anyone returns to the shot. After such failure, the blasting cable shall be disconnected from the source of power and the battery end short-circuited before electric connections are examined. If fuse is used a waiting period of twelve hours shall elapse before returning to the face. Explosives shall be removed by firing a separate charge at least two feet away from, and parallel to, the misfired charge or by washing the stemming and the charge from the borehole with water, or by inserting and firing a new primer after the stemming has been washed out. A very careful search of the working place, and, if necessary, of the coal after it reaches the tipple shall be made after blasting a misfired hole, to recover any undetonated explosive. The handling of a misfired shot shall be under the direct supervision of the foreman or a competent person designated by him.

(25) The provisions governing the handling, storage, and transportation of explosives shall apply to the heater elements of Cardox blasting devices prior to their installation in the shells. Charged Cardox shells shall be transported underground in insulated cars or in insulated boxes placed in ordinary mine cars except where transported on rubber belts and shall be stored on wooden racks, built for that purpose, in a crosscut or an idle room neck, at least ten feet from power lines and haulage tracks. Where Cardox is used for blasting, the following shall apply:

(a) Cardox shells need not be tamped or stemmed.

(b) When Cardox is fired, all persons in the vicinity, including the shot firer, shall be around a second corner or in an equally safe place.

(c) Blasting cables shall be as long as may be necessary to assure the safety of the shot firer, attached only after the charge has been placed in the borehole, and maintained in good repair.

(d) The charge shall be detonated with a permissible shot-firing unit.

(e) Cardox shall not be shot off the solid, over heavy rock binders or shale, or in a "tight" shot.

(f) Cardox misfires caused by the failure of the disk to rupture shall not be removed from the hole until after the lapse of five minutes and shall be handled under the supervision of a foreman or other competent designated person.

(g) Misfired shells shall be bled off promptly and marked conspicuously upon removal from the hole.

(26) Where Airdox is used for blasting or breaking down the coal, the following shall apply:

(a) Compressed air shall be conducted from the compressor to within a practical working distance of the face by steel air lines tested to withstand an approximate pressure of twenty thousand pounds a square inch.

(b) Air lines shall be grounded at the compressor and, if possible, at other low-resistance ground connections along the lines, such as at borehole casings. They shall not be connected in any way to tracks, water lines, or other electric power return conductors and shall be suitably insulated where they cross electric wires or underneath the track.

(c) Unions shall be installed in steel air lines at not more than one-thousand foot intervals.

(d) Shut-off valves shall be installed every one thousand feet in all Airdox lines and, in all branch lines, at a point near the main lines.

(e) Airdox lines shall be protected at places where equipment passes over, under, or adjacent to them.

(f) Steel or copper lines shall not be handled or repaired when air pressure is in the line.

(g) Air lines shall be examined periodically for kinks or other weaknesses and replaced immediately when defects are found.

(h) Copper tubing shall be coiled and uncoiled properly. The part of the tubing that is affected by frequent coiling and uncoiling shall be renewed periodically because of the dangers from kinks and crystallization.

(i) Blow-down valves shall not be less than forty-five feet from the face and shall be around a right angle.

(j) Holes for Airdox tubes shall not be drilled on the solid.

(k) The Airdox tube shall be pushed to the back of the drill hole and then withdrawn six to twelve inches to form an air cushion.

(l) When blow-down valves are opened to discharge the Airdox tube, they shall remain open until time to place the tube in the next borehole.

(m) After the breaking down of the coal in any one place, the tube shall be disconnected at once from the air line and not reconnected until ready to be used in the next place.

(n) When an Airdox tube fails to discharge, the copper line leading to the tube shall be disconnected at the blow-down valve, and the tube shall be dragged by means of the copper line to an abandoned place, marked with warning signs, and left for twelve hours before any repair work is done thereon.

(o) All persons shall be removed from adjoining working places where there is danger of breaking through and shall be at a safe distance around a right angle, while coal breaking is in progress.

Section 29. Section 352.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any operator of a coal mine may employ practical and experienced persons as shot firers to prepare the cartridge and set off and discharge the shots.

(2) The department may require the operator to employ practical and experienced persons as shot firers and may prescribe the conditions under which blasting may be carried on and the kind of explosives that shall be used.

(3) Shot firers shall at all times be under the direction of the mine foremen.

(4) The district mine inspector may prescribe the conditions under which solid shooting may be done in any mine, and in non-gaseous mines the district inspector may permit the use

of fuse and fuse type detonators of proper strength to be used in connection with permissible explosives in solid shooting.

Section 30. Section 352.280 of the Kentucky Revised Statutes is amended to read as follows:

In all gassy or gaseous mines the operator or superintendent shall employ one or more certified fire bosses or other properly certified persons. The fire boss or other properly certified person shall examine carefully within three hours before each shift enters the mine, every working place, all places adjacent to live workings, every roadway, every unfenced road to abandoned workings, and all falls in the mine. Before proceeding with the examination he shall see that the air current is traveling its proper course. In making the examination he shall use an approved safety lamp. The fire boss or other properly certified person shall examine for all dangers in all portions of the mines under his charge, and after examination he shall leave at the face of every place examined the date of the examination and his initial as evidence that he has performed his duty. He shall also examine the entrances to all worked-out and abandoned portions adjacent to the roadways and working places under his charge where explosive gas is likely to accumulate, and he shall place a danger signal across the entrance to every place where explosive gas is discovered or where immediate danger is found to exist from any other cause. The signal shall be sufficient warning for persons not to enter. When the mine is idle and workmen are required to go into the mine, the section, portion or part of mine entered if gassy or gaseous must be inspected by a fire boss or other properly certified person within three hours before the workmen enter.

Section 31. Section 352.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) Where nine or more persons are employed in a commercial coal mine in a period of twenty-four hours, the operator shall employ a certified mine foreman therein to properly carry out the plans and rules when approved by the chief of the department and to see that the mining law is complied with. If explosive gas can be detected with a flame safety lamp or one in which there is a record of methane having been ignited the

operator shall employ a mine foreman of the first class. If explosive gas is not present and there is no record of an ignition the operator may employ a mine foreman of the second class.

(2) When the mine workings become so extensive that the mine foreman is unable personally to carry out the duties required of him by law, the operator or superintendent shall employ a sufficient number of persons holding suitable certificates of qualifications to act as assistants to the mine foreman, and under his instructions.

Section 32. Section 352.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) The mine foreman shall notify, in writing, the operator or superintendent of the mine of his inability to comply with any of the requirements of the mining laws, and the operator or superintendent shall at once attend to the matter complained of by the mine foreman so as to enable him to comply with the mining laws.

(2) The mine foreman shall each day enter and sign plainly with ink or indelible pencil, in a book provided for that purpose, a report of the condition of the mine. The report shall clearly state any danger that comes under his observation during the day or is reported to him by his assistants or by the fire bosses, and shall state whether or not there is a proper supply of material on hand for the safe working of the mine, and whether or not the mining laws are being complied with. The mine foreman shall each day read carefully, and countersign with ink or indelible pencil, all reports entered in the record book of the fire bosses.

(3) The mine superintendent, mine foreman and assistant foreman shall be held jointly responsible for the immediate compliance of the inspector's recommendations.

Section 33. Section 352.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) The mine foreman shall see that breakthroughs are made as required by law, and shall see that ventilation is conducted by means of the breakthroughs through the rooms by

means of check doors or curtains placed on the entries or other suitable places, and shall not permit any room to be opened in advance of the ventilating current.

(2) At least once each week while the mine is in operation the mine foreman, or some certified person designated by the mine foreman, with an anemometer furnished by the operator, shall measure the air current at the inlet and outlet and at or near the faces of the advanced headings, and shall keep a record of such measurements in a book furnished and having a form prescribed by the chief of the department.

(3) The mine foreman shall see that signboards directing the way to outlets or escapeways are conspicuously placed throughout the mine.

Section 34. Section 352.370 of the Kentucky Revised Statutes is amended to read as follows:

When any working place approaches within one hundred feet of any abandoned workings which cannot be inspected and may contain dangerous accumulations of water or gas, and of which a map is available, boreholes shall be kept at least twenty feet in advance of the face and forty-five degree angle rib-holes shall be drilled at least twenty feet deep. These holes shall not be more than eight feet apart. If no map is available the boreholes shall be started when the working places are within two hundred feet of where the abandoned workings are supposed to be.

Section 35. Section 352.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) The operator or superintendent of every coal mine shall furnish the district mine inspector proper facilities for entering the mine and making examinations or obtaining information.

(2) If any inspector discovers that any mine does not conform to the provisions of Chapters 351 and 352 in respect to appliances for the safety of employes, or that by reason of any defect or practice in or about the mine the lives or health of persons employed therein are endangered, he shall immediately

notify the operator or superintendent thereof, orally and in writing, stating the particulars in which he considers the mine to be defective or dangerous, and if he deems it necessary for the immediate protection of the lives and health of the persons employed in the mine he shall withdraw the men from the mine. The operator or superintendent shall have the right to appeal to the chief of the department from the closing of the mine.

(3) The owner or operator of any mine so closed may by petition apply to the circuit court of the county where the mine is located, or to the judge thereof in vacation, for an order directing the mine to be reopened, and the court or judge shall immediately hear and determine the matters arising upon the petition. If, upon full hearing thereof, the court or judge finds that the mine is in a reasonably safe condition, the prayer of the petition shall be granted.

(4) Notice of the hearing shall be given to the district mine inspector and the chief of the department at least three days before the hearing, and in all such hearings the Attorney-General, the Commonwealth's attorney or the county attorney of the circuit court district or county in which the mine is situated shall appear for the state and defend the action.

Section 36. Section 352.470 of the Kentucky Revised Statutes is amended to read as follows:

(1) The correctness of each map provided for by KRS 352.450 or 352.460 shall be certified to by a professional engineer registered in Kentucky, and KRS 322.240 requires that plats, etc. be stamped with his seal. The certification shall read as follows:

"I, the undersigned, hereby certify that this map is correct, shows to the best of my knowledge and belief all the information required by the mining laws of this state, and covers the period ending _____, Engineer
"Acknowledged before me, a _____,
this _____ day of _____"

_____
_____SEAL

(2) The chief of the department may reject any map as incomplete if its accuracy is not so attested.

Section 37. Section 352.490 of the Kentucky Revised Statutes is amended to read as follows:

(1) No owner or tenant of any land containing coal shall engage in mining within twenty-five feet of the line dividing the land owned or held by him from that of another person, without the written consent of every person interested in or having title to the adjoining land in possession, reversion or remainder, or the guardians of such of those persons as are infants. The owner or tenant must also have the approval of the chief of the department.

(2) Any person who violates subsection (1) shall be liable in the sum of five hundred dollars to the persons injured, and the persons injured may also pursue all other remedies provided by law for the recovery of damages for injury to their property.

Section 38. Section 352.590 of the Kentucky Revised Statutes is amended to read as follows:

Section 39. (1) It is the intent of the General Assembly that all the provisions of KRS Chapters 351 and 352 concerning coal mines and coal mining be extended to and shall apply to clay mines and clay mining and for that purpose, wherever the word "coal" or "coal mine" is used in those chapters it shall include "clay" or "clay mine."

(2) Chapter 354 of the Kentucky Revised Statutes is repealed.

Section 40. Whereas, the existing laws of this state regulating the conduct of mining operations are deemed insufficient in their purpose of assuring safe working conditions for the persons employed in such mines; and

Whereas, it is deemed expedient that the Department of Mines and Minerals be given, as soon as possible, the authority conferred by this Act to require compliance with the provisions hereof in order to assure safe working conditions for the persons employed in such mines;

An emergency is hereby declared to exist, and this Act shall become a law immediately upon its passage and approval by the Governor.

H. Res. No. 28. A JOINT RESOLUTION authorizing Polly Darnell, administratrix of the Estate of Jessie Myers Darnell, deceased, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Polly Darnell is authorized to sue the Commonwealth of Kentucky in Mason Circuit Court for damages resulting from the death of Jessie Myers Darnell, caused by the alleged negligence on the part of employees of the Commonwealth of Kentucky while said employees were in line of duty as employees of this Commonwealth.

Said suit shall be for a sum not in excess of $25,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the alleged claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the state treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statements in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument of the jury.

Ordered that said bills and resolution be printed and referred.

A message which was received from the House of Representatives further announced that they had passed Bills which originated in the Senate of the following titles, viz:

S. B. No. 11. AN ACT to amend Section 23.050, Kentucky Revised Statutes 1950 Edition, in so far as it relates to the time

of holding the terms of Circuit Courts in the 36th Judicial District, composing the counties of Knott and Magoffin.

S. B. No. 12. AN ACT relating to real estate brokers and salesmen.

S. B. No. 21. AN ACT relating to the time for holding sessions of circuit court in the thirty-seventh Judicial District.

S. B. No. 45. AN ACT relating to the time of holding the regular terms of court for the eighth circuit court district, composed of Allen and Warren Counties.

S. B. No. 84. AN ACT amending section 271.445 of the Kentucky Statutes.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

Senator Moloney moved that the Senate do now adjourn until 8 P.M., Monday, February 25, 1952.

Said motion was agreed to.

And then the Senate adjourned.

MONDAY, FEBRUARY 25, 1952

The Senate convened and was called to order by the President of the Senate, Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by Reverend Glenn H. Stephens, Pastor of the South Frankfort Presbyterian Church, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Wayne Freeman	Alvin Kidwell
Bernard J. Bonn	Julian Golden	Bert Kiser
Eugene H. Clark	James P. Hanratty	James Lassiter
Augustus Cornett	Doug Hays	Homer E. Losey
Louis Cox	Stanley Hoffman	C. W. A. McCann
Martin J. Duffy	Dr. J. E. Johnson	James R. Mansfield

Strother Melton	Clay Shackleford	Sylvester Wagner
Richard P. Moloney	Leon Shaikun	Ed P. Warriner
O. W. Montgomery	Cortis K. Stacy	John M. Williams
Jack R. Reynolds	Paul Stapleton	E. V. Withers
Freeman Robinson	Otis C. Thomas	
William J. Sample	Wendell Van Hoose	—34

The following Senators were absent—

Archie Craft	Thomas Hines	Earl F. Martin
Ernest M. Ford		—4

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings for Thursday, February 21, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Stapleton moved that all absent members be granted leaves of absence.

Said motion was agreed to.

INTRODUCTIONS OF BILLS AND RESOLUTIONS

Bills of the following titles were introduced, viz:

By Senator Cox.

S. B. No. 222. AN ACT relating to the investment of state funds and moneys; amending KRS 41.380.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 41.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a State Investment Commission composed of the Governor, the State Treasurer and the Commissioner of Finance. The commission shall have authority to and may invest any and all surplus funds of the state in direct obligations of the United States Government or of the Commonwealth of Kentucky. All such investments shall be in obligations that will mature within five years from the date of the investment.

(2) The commission shall also have authority to and may, whenever in its opinion the cash in the State Treasury

is in excess of the amount required to meet current expenditures, invest any and all of said excess cash in United States Treasury Bills or Certificates of Indebtedness which will mature within one year from the date of the investment.

(3) The authority granted by this section to the State Investment Commission shall not extend to any funds that are specifically provided by law to be invested by some other officer or agency of the state government.

By Senator Cox.

S. B. No. 223. AN ACT appropriating funds from the General Expenditure Fund for the payment of prior year claims for the fiscal year ending June 30, 1952.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated out of the General Expenditure Fund for the payment of prior year claims authorized to be paid by KRS 45.231 the following amounts for the following year,

1951-52 .....the amount necessary

Section 2. Whereas, the appropriation made by Chapter 104 of the Acts of 1950 for the payment of prior year claims for the fiscal year ending June 30, 1952, is insufficient to pay all such prior year claims and it is necessary that additional funds be made available to pay these claims which are just claims against the Commonwealth, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Senator Moloney.

S. B. No. 224. AN ACT relating to the furnishing of school services to children in certain state institutions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Out-of-district children," means those children of school age resident in a state-operated institution who were placed therein from school districts other than the one in which the institution is located.

(2) "Current costs and expenses," means all expenditures, other than for capital outlay and debt service, which, in the final result, are an actual charge on the tax revenue of the school district for the furnishing of school services to out-of-district children. Among other things, "current costs and expenses" does not include those expenditures for which the school district receives reimbursement from any source, other than from the state under the provisions of this Act.

Section 2. Any county or independent school district which provides elementary or secondary school services to out-of-district children shall be reimbursed by the Department of Education, out of funds not required by law to be expended for other purposes or in any other manner, in an amount equal to all current costs and expenses of the district for furnishing such services in excess of any per capita distribution received from the Common School Fund on behalf of the children. The school services furnished to out-of-district children shall be substantially equal to those furnished to other school children of the district.

Section 3. The school district shall make to the Superintendent of Public Instruction such reports as he requires concerning school services for out-of-district children, and shall file with the state agency operating the institution in which the children are resident a copy of the annual report made to the Superintendent of Public Instruction.

Section 4. The school district, at the end of each school year, shall make application to the Superintendent of Public Instruction for the reimbursement due on behalf of school services furnished during the year just ended. After approving the application, the Superintendent of Public

Instruction shall notify the Commissioner of Finance who shall cause a warrant, in the appropriate amount, to be drawn in favor of the school district.

Section 5. There is hereby appropriated out of the General Expenditure Fund in the State Treasury, to the Department of Education, the sum of $35,000 for each of the fiscal years of 1952-53 and 1953-54, to be used to carry out the provisions of this Act.

By Senator Moloney.

S. B. No. 225. AN ACT to amend section 186 of the Constitution of the Commonwealth of Kentucky relating to distribution of Public School funds.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186 of the Constitution of the Commonwealth of Kentucky is amended by repealing said section in its entirety and enacting in lieu thereof the following:

All funds accruing to the school fund shall be used for the maintenance of the public schools of the Commonwealth, and for no other purpose, and the General Assembly shall by general law prescribe the manner of the distribution and use of the public school fund for public school purposes. Provided that no school district in the Commonwealth shall receive in any fiscal year less than the amount it received in the fiscal year ending June 30, 1952, unless the entire school fund in such fiscal year shall be less than the amount of such fund in the fiscal year ending June 30, 1952, in which latter event the minimum to be received by each district shall be reduced in proportion to the reduction of the entire fund.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided by sections 256 and 257 of the Constitution and KRS 118.170 and 118.430.

By Senator Shaikun.

S. B. No. 226. AN ACT providing the manner and time of

electing members of County Boards of Education in counties containing a city of the first class, if and when an independent school district in a city of the first class is merged with the county school district, and providing for the filling of vacancies in office.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That upon a merger under the provisions of Section 160.040 and Section 160.041 of the Kentucky Revised Statutes of an independent school district in a city of the first class with a county school district in counties containing a city of the first class, the members of the county board of education of the merged county school district, shall be elected from the county school district at large.

Section 2. Each member of the respective boards of education at the time of the merger of the districts, may continue to hold office until the expiration of his or her term of office, but any vacancy occurring among such members for any reason shall not be filled.

Section 3. At the regular November election during the first even number year nearest to the time of the merger of the districts, as above set out, two (2) members of the county board of education shall be elected from the county at large for a term of four (4) years, and two (2) years after such first election, three (3) members of the county board of education shall be elected for a term of four (4) years, and in each even numbered year thereafter an election shall be held from the county at large to fill the membership of the county board of education for the term that will expire on the first Monday in January following, and the regularly elected members shall hold office for four (4) years, and until their successors are elected and qualified.

Section 4. Any vacancy occurring in the membership of the county board after members have been elected from the county at large, shall be filled as now provided by Section 160.190 Kentucky Revised Statutes.

By Senator Stacy.

S. B. No. 227. AN ACT changing the terms of court in the thirty-ninth Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The introductory phrase and subsection (39) of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

* * * * * *

(39) Breathitt County, at Jackson, on the third Monday in March, the second Monday in August, and the second Monday in November, eighteen juridical days each.

Powell County, at Stanton, on the first Monday in March, the first Monday in July, and the second Monday in October, twelve juridical days each.

Wolfe County, at Campton, on the second Monday in April, the second Monday in September, and the first Monday in December, twelve juridical days each.

* * * * * *

By Senator Hays.

S. B. No. 228. AN ACT relating to the qualifications and licensing of dentists.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. An applicant for a license to practice dentistry shall be of good moral character, at least twenty-one years of age at the time of making the application and shall have been a resident of the Commonwealth of Kentucky on Jan-

uary 1, 1952. The application shall be accompanied by evidence satisfactory to the board that the applicant is a graduate of, and has a diploma from a reputable university, rated as acceptable by the board. The board shall rate dental colleges, schools or departments of a university, or accept the ratings issued by accredited bodies approved by it. The application shall be made to the board in writing. It shall be accompanied by an examination fee of forty dollars, payable to the secretary-treasurer. Except that any person who has successfully completed at least two years of the required course of study in a dental college, and who has practiced dentistry for a period of more than forty years, upon application to the State Board of Dental Examiners, and the payment to the board of a fee of forty dollars, shall be entitled to a license to practice dentistry in this Commonwealth, and the Board shall issue to such applicant a license on the standard form used and approved by the Board, signed by its President and Secretary and authenticated by the seal of the Board, which license shall be registered with the County Clerk of each County in which he desires to practice, as is provided for in KRS 313.110.

Sec. 2. No person shall file, or attempt to file as his own the diploma or license of another, or a forged affidavit of identification or qualification.

Sec. 3. Section 313.040 of the Kentucky Revised Statutes is hereby repealed.

By Senator Shackelford.

S. Res. No. 27. A JOINT RESOLUTION appropriating from the General Expenditure Fund in the State Treasury, and authorizing and directing the payment to Mr. J. D. Kennedy, ex-jailer of Madison County, the sum of $480.00.

Said resolution is as follows, viz:

Whereas, J. D. Kennedy, while serving as jailer of Madison County during the years 1938, 1939, 1940, and 1941, furnished fuel, light and water to the Madison Circuit Court as required by law, and

Whereas, under the provisions of Section 356 of Carroll's Statutes, the said J. D. Kennedy was entitled to received from the State Treasury the sum of $480.00 for such services, and

Whereas, through oversight and inadvertence, the claim for such services was not presented to the Department of Finance until after the expiration of the fiscal year in which the services were rendered,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of $480.00 is appropriated out of the General Expenditure Fund in the State Treasury, for the purpose of paying the claim of J. D. Kennedy, of Madison County, for fuel, light and water furnished to the Madison Circuit Court during the years 1938, 1939, 1940, and 1941.

The Commissioner of Finance is hereby directed to draw his warrant upon the State Treasurer, in favor of the said J. D. Kennedy for said amount, and the Treasurer, upon receipt of the warrant, is directed to issue a check in favor of the said J. D. Kennedy in the amount of $480.00.

By Senator Stacy.

S. Res. No. 28. A JOINT RESOLUTION authorizing and directing the payment of certain claims to Walter Deaton, Sheriff of Breathitt County.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Walter Deaton, sheriff of Breathitt County, Kentucky, has a valid and unpaid claim against the Commonwealth of Kentucky in the amount of $171.83 for services rendered in traveling to Pontiac, Michigan, Montgomery County, Ohio, Marion County, Indiana, and Franklin, Ohio, and returning to Jackson, Kentucky, four fugitives from justice, and that such claim is hereby authorized to be paid.

Section 2. That there is hereby appropriated out of the

General Expenditure Fund in the State Treasury the sum of $171.83 for the payment of the claim authorized herein. The Commissioner of Finance shall draw his warrant upon the State Treasury in favor of Walter Deaton for the amount authorized.

Ordered that said bills and resolutions be printed and referred.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills which originated in that body of the following titles, viz:

H. B. No. 60. AN ACT relating to the licensing of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Owners of motor vehicles who are residents of this state and who hold an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission, upon application each licensing year, accompanied by proof of ownership of such amateur radio station license, and upon complying with all other laws of this state relating to the registration and licensing of motor vehicles, and upon the payment of an additional license fee of one dollar, shall be issued, within ninety days after such application, an additional license plate upon which shall be inscribed, in lieu of the usual number, the official amateur radio call letters of such applicant as assigned by the Federal Communications Commission, and the year for which the plate is issued. An application for such special license shall in no way interfere with the regular registration of the vehicle. Any person purchasing a license plate under the provisions of this act shall be authorized to leave the original plate in the custody of the county clerk and attach the plate bearing the radio call letters on the vehicle so licensed. Upon the sale or transfer of such vehicle bearing such special plate the owner shall remove same and obtain from the custody of the county clerk the original plate and attach it to the vehicle to be sold or transferred. Said special plate may

be presented to the county clerk and he shall re-issue same for use on any other vehicle owned by such radio station licensee.

Section 2. For services performed, the county clerk shall receive from each applicant, in addition to the regular registration fee, the sum of fifty cents for each registration under this Act. A like amount shall be charged for the re-issuance of such special license plate after the sale or transfer of the vehicle to which it was originally attached.

H. B. No. 144. AN ACT relating to public health.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 211.060 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Health shall hold meetings at least semiannually, and more frequently and at such places and times as the board may determine. A majority of the members shall constitute a quorum. The board shall elect a president from among its members, and may adopt rules and by-laws for its government. Any and all members of the board may administer oaths in matters pertaining to official duties of the board.

Section 2. Section 211.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The president of the State Board of Health shall receive an annual salary to be fixed by the board.

(2) Each member of the State Board of Health, other than the president, shall receive twenty dollars per day for each day in attendance at meetings of the board.

(3) Each member of the board, including the president, shall be entitled to reimbursement for all expenses for travel, lodging and subsistence incurred in connection with attendance at meetings of the board.

(4) The board may designate any of its members, representatives or agents to perform special duties that may be prescribed by the board from time to time, and may allow reasonable

compensation therefor and make reimbursement for expense for necessary travel, lodging and subsistence incurred in connection therewith.

Section 3. Section 212.120 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Upon the creation of a county or district health department, the fiscal court of the county or counties shall at once notify the State Board of Health of the action of the county or counties to create, establish and maintain a county or district health department. When the duly qualified officials of a county or district certify to the State Board of Health a true copy of the order or vote establishing a health department and providing for its maintenance, and state the amount of the annual appropriation provided by the county or district, the State Board of Health shall make an investigation as to the necessity of the development of the department, and the adequacy of the appropriation provided by the county or district therefor, and shall report it findings to the Governor.

(2) If the State Board of Health finds that such county or district health department has been established in accordance with the provisions of this chapter and is being maintained, conducted and operated in accordance with the standards prescribed by the State Board of Health, the State Board of Health shall, on or before July 1 in each year, allot to each such county or district health department such amount that the State Board of Health deems to constitute a just and equitable share of all funds available therefor by appropriation by the General Assembly of this Commonwealth, by grants and gifts received by this Commonwealth from the government of the United States of America or any of its agencies or instrumentalities, and from other sources. Provided, however, that no allotment to any such county or district health department shall be less than two thousand five hundred dollars.

(3) In determining the allotments referred to in subsection (2) of this section, the State Board of Health shall endeavor to provide for a distribution of the funds in a manner that is reasonably calculated to equalize, so far as practicable, local health services to the people of all counties served by county and dis-

trict health departments. The State Board of Health may take into consideration variations existing between counties and districts by reasons of differences in population, resources, industrialization, tax assessments and tax rates, and other local factors and conditions; the legislative intent being hereby declared to be that counties shall provide, from local sources of revenue that are available or that may be made available to them, financial support of county and district health departments to the extent of their respective abilities within the limitations of KRS 212.150.

(4) The State Board of Health may, in its discretion, alter or modify allotments from time to time and shall cancel any allotment whenever it finds that there is no further need or necessity for a particular county or district health department for whose benefit the allotment was made, or whenever a particular county or district health department for whose benefit an allotment was made is not maintained, operated and conducted in accordance with the standards prescribed by the State Board of Health. Nothing in this section shall be construed as requiring the State Board of Health to allot all funds available for local health purposes, or as prohibiting the board from alloting such portion thereof, as the board may determine, to a reserve account which may be sub-allotted by the board in such manner that it considers proper in the event of emergencies, disaster, or unforseen events, without regard to the provisions of subsection (3) of this section.

(5) Notwithstanding the provisions of KRS 45.230 and any other provisions of the Kentucky Revised Statutes, any unexpended or unencumbered balance of any appropriations made available for allotment and expenditure, as provided above, for the first fiscal year of each biennium, remaining at the end of such fiscal year, shall be carried forward and be available for expenditure at any time during the ensuing fiscal year within the biennium and no portion thereof shall lapse to the General Fund.

Section 4. Section 212.150 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in KRS 212.470 and 212.650, the total amount appropriated annually by any fiscal court for a county or district health department, shall not exceed one mill for each

one dollar of assessed valuation of property for taxation in the county.

Section 5. Subsection (3) of Section 212.170 of the Kentucky Revised Statutes is amended to read as follows:

(3) (a) The county board of health of each county having a county department of health shall, at the meeting of the board called for the purpose of organizing the county department of health, and every four years thereafter, elect a health officer for a term of four years, or a county health administrator as hereinafter provided in this subsection. A majority of the members of the board shall constitute a quorum for this purpose. The health officer may at any time be removed for cause made known to him in writing after a hearing by the county board of health, at which he may be represented by counsel; in case of his dismissal he may appeal to the State Board of Health, which may confirm or reject the action of the county board of health, in which case its action is final unless set aside by action in a court of competent jurisdiction.

(b) If there are no qualified applicants for the position of health officer, the county board of health may, with the approval of the State Board of Health, appoint a health administrator, having the qualifications provided in KRS 212.180, who shall hold office at the pleasure of the county board of health, and who shall act as administrator of such health department and perform such other duties as may be prescribed by the county board of health.

Section 6. Section 212.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every health officer provided for by this chapter shall be a physician duly licensed by the State Board of Health, and shall possess such other qualifications that are prescribed by the State Board of Health.

(2) Every health administrator referred to in subsection (3) of KRS 212.170 shall possess such education, training, experience and other qualifications that are prescribed by the State Board of Health, and need not be a physician.

H. B. No. 228. AN ACT relating to Workmen's Compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 342.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) In addition to all other compensation provided in this chapter, the employer shall furnish for the cure and relief from the effects of an injury, such medical, surgical and hospital treatment, including nursing, medical and surgical supplies and appliances, as may reasonably be required at the time of the injury and thereafter during disability, but not exceeding a total expense to the employer of more than twenty-five hundred dollars. If the employer fails to furnish such treatment reasonably, he shall be liable for the reasonable expense, within the limits of this section, incurred by or on behalf of the employee in providing such treatments. In an emergency, the employee may call in any available physician or surgeon to administer any first aid reasonably necessary at the expense of the employer within the limits of this section. The board, in its discretion, may apportion payments to be made under this section between hospitals and physicians in cases where their aggregate fees and charges would exceed the maximum for which the employer is liable.

(2) Where a compensible injury results in the amputation of an arm, hand, leg or foot, or the loss of hearing, or the enucleation of an eye or the loss of natural teeth, the employer shall initially furnish in addition to other medical, surgical and hospital treatment enumerated in subsection (1) of this section, a modern artificial member, and where required, proper braces but the employer's liability for such artificial member or braces shall not, including his liability for medical, surgical and hospital treatment exceed twenty-five hundred dollars.

Section 2. That section 342.070 of the Kentucky Revised Statutes is amended to read as follows:

If death should result within two years from an accident

for which compensation is payable under this chapter, the employer or his insurer shall pay to the person entitled to compensation, or, if none, then to the personal representative of the deceased employe, reasonable burial expenses of a person of the standard of living of the deceased, not to exceed the sum of $300, and shall also pay to or for the following persons compensation as follows:

(1) If there are no dependents there shall be paid, in addition to the burial expenses and medical expenses, if any, the further sum of $200, payment to be made to the personal representative of the deceased employe.

(2) If there are one or more wholly dependent persons, 65 per cent of the average weekly earnings of the deceased employe, but not to exceed $26 nor less than $7 per week shall be payable, all such payments to be made for the period between the date of death and 400 weeks after the date of accident to the employe, or until the intervening termination of dependency, but in no case to exceed the maximum sum of $9,500.

(3) (a) If there are partly dependent persons, the payments shall be such part of what would be payable for total dependency as the partial dependency existing at the time of the accident to the employe is proportionate to total dependency, and all such payments to be made for the period between the date of death and 400 weeks after the date of the accident to the deceased employe, or until the intervening termination of dependency, but in no case to exceed in the aggregate of compensation on account of such death the maximum sum of $9,500.

(b) Partial dependency shall be determined by the proportion of the earnings of the employe which have been contributed to such partial dependent during one year next preceding the date of injury; if the relation of partial dependency did not exist for one year next preceding the date of injury, the board shall consider all the facts and circumstances and fix such proportion as is fair and reasonable thereunder.

(4) All relations of dependency referred to in this section

shall mean dependency existing at the time of the accident to the employe.

(5) If death occurs as a result of the injury after a period of total or partial disability, the period of disability shall be deducted from the total period of compensation and the benefits paid thereunder from the maximum allowed for death by this section.

Section 3. That section 342.075 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following persons shall be presumed to be wholly dependent upon a deceased employe:

(a) A wife upon a husband whom she had not voluntarily abandoned at the time of the accident, or who having been abandoned by her husband has not engaged in such conduct since his abandonment as would at common law constitute grounds justifying the abandonment of such wife by her husband;

(b) A husband incapacitated from wage-earning, upon a wife whom he has not voluntarily abandoned at the time of the accident to the wife; and

(c) A child or children under the age of sixteen years, or over sixteen years if incapacitated from wage-earning, upon the parent with whom such child or children are living or by whom actually supported at the time of the accident.

(2) In all other cases the relation of dependency in whole or in part shall be determined in accordance with the facts of each case existing at the time of the accident.

(3) No person shall be considered a dependent in any degree unless he is living in the household of the employe at the time of the accident, or unless such person bears to the employe the relation of father, mother, husband, or wife, father-in-law or mother-in-law, grandfather or grandmother, child or grandchild, or brother or sister of the whole or half blood."

Section 4. That section 342.095 of Kentucky Revised Statutes is amended to read as follows:

(1) When the injury causes total disability for work, the employer during such disability, except the first seven days thereof, shall pay the employe a weekly compensation equal to 65 per cent of his average weekly earnings, not to exceed $27 nor less than $7 per week, such payments to be made during the period of total disability but not longer than 10 years after the date of the injury nor in any case to exceed a maximum sum of $11,500. If the period of total disability begins after a period of partial disability, the period of partial disability shall be deducted from the total period of 10 years during which compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum of $11,500.

(2) In case of the following injuries the disability shall be considered total and permanent:

(a) The total permanent loss of sight in both eyes.

(b) The loss of both feet at or above the ankle.

(c) The loss of both hands at or above the wrist.

(d) A similar loss of one hand and one foot.

(e) A similar loss of one hand and one eye.

(f) A similar loss of one foot and one eye.

(g) An injury to the spine, resulting in permanent and complete paralysis of both arms or both legs, or of one arm and one leg.

(h) An injury to the skull resulting in incurable insanity or imbecility.

(3) The enumeration in subsection (2) is not exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries have resulted in permanent total disability.

Section 5. That section 342.100 of the Kentucky Revised Statutes is amended to read as follows:

In case of an injury resulting in temporary partial disability, the employe shall receive during such disability, except the first seven days thereof, a weekly compensation equal to 65

per cent of the difference between his average weekly earnings before the injury and the average weekly earnings that he earns, or is able to earn, in some suitable employment after the injury and during such disability, not to exceed 450 weeks from the date of injury, nor exceeding the sum of $24 per week nor the maximum sum of $9,500. If partial disability follows a period of total disability, the period of total disability shall be deducted from the maximum period allowed for partial disability.

Section 6. That section 342.105 of the Kentucky Revised Statutes is amended to read as follows:

For injuries enumerated in the following schedule the employe shall receive, in addition to temporary total disability compensation for the period of actual total disability, not exceeding 20 weeks, a weekly compensation equal to 65 per cent of his average weekly earnings, but not less than $7 per week nor exceeding $24 per week for the periods stated thereon:

(1) For the loss of a thumb, 65 per cent of the average weekly wages during 60 weeks.

(2) For the loss of a first finger, commonly called the index finger, 65 per cent of the average weekly wages during 45 weeks.

(3) For the loss of a second finger, 65 per cent of the average weekly wages during 30 weeks.

(4) For the loss of a third finger, 65 per cent of the average weekly wages during 20 weeks.

(5) For the loss of a fourth finger, commonly known as the little finger, 65 per cent of the average weekly wages during 15 weeks.

(6) The loss of the second, or distal phalange, of the thumb shall be considered to be equal to the loss of one-half of the thumb; the loss of more than one-half of the thumb shall be considered equal to the loss of the whole thumb.

(7) The loss of the third, or distal phalange of any finger shall be considered to be equal to the loss of one-third of the finger.

(8) The loss of the middle, or second phalange, of any finger shall be considered equal to the loss of two-thirds of the finger.

(9) The loss of more than the middle and distal phalanges of any finger shall be considered equal to the loss of the whole finger, but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

(10) For the loss of a metacarpal bone (bone of the palm) for the corresponding thumb, finger or fingers above add 10 weeks to the number of weeks as above.

(11) For ankylosis (total stiffness of) or contractures (due to sears or injuries) which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

(12) For the loss of a hand, 65 per cent of the average weekly wages during 150 weeks.

(13) For the loss of an arm, 65 per cent of the average weekly wages during 200 weeks.

(14) For the loss of one of the toes, other than the great toe, 65 per cent of the average weekly wages during 10 weeks.

(15) For the loss of the great toe, 65 per cent of the average weekly wages during 30 weeks.

(16) The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

(17) The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe.

(18) For the loss of a foot, 65 per cent of the average weekly wages during 125 weeks.

(19) For the loss of a leg, 65 per cent of the average weekly wages during 200 weeks.

(20) For the total and permanent loss of the sight of an eye, 65 per cent of the average weekly wages during 100 weeks, plus an additional 20 weeks in cases where the eye ball is enucleated.

(21) For the total and permanent loss of hearing in one ear, 65 per cent of the average weekly wages during 75 weeks.

Section 7. That section 342.110 of the Kentucky Revised Statutes is amended to read as follows:

In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employe, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employe and the age at the time of injury. In no event shall compensation for an injury to a member exceed the amount allowable for the loss of such member. The compensation paid therefor shall be 65 per cent of the average weekly earnings of the employe but not less than $7 nor more than $24, multiplied by the percentage of disability caused by the injury, for such period as the board determines, not exceeding 450 weeks nor a maximum sum of $9,500.00. Compensation payable under this section shall not be affected by the earnings of the employe after the accident, whether they be the same, or greater, or less than prior to the accident. Whenever the weekly payments under this section would be less than $5 per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in KRS 342.020 and 342.030, is paid under any other provision of this chapter, the period during which such other compensation is paid shall be deducted from the maximum period which may be paid under this section.

Section 8. That section 342.370 of Kentucky Revised Statutes is hereby repealed.

Section 9. That section 342.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) All taxes and assessments imposed by KRS 342.450 and 342.475 shall be paid into the State Treasury and shall be credited to a maintenance fund for the Board. The maintenance fund shall be used for ordinary recurring expenses of operation

and shall be expended in each year by the Board under the supervision of the Commissioner of Industrial Relations and by allotments made by the budgetary officer of the Department of Finance.

(2) The Workmen's Compensation Board may publish for public distribution the proceeding of the Workmen's Compensation Board. The proceeding including Opinions, Orders, and Awards may be published at such intervals as may be determined by the Board and approved by the Commissioner. A maximum of 1,000 copies of each volume of said proceeding may be published and distributed and the expenses so incurred paid from the maintenance fund.

(3) Any sum remaining in the maintenance fund to the credit of the Workmen's Compensation Board at the end of any fiscal year shall be set up by the Department of Finance to the credit of the Workmen's Compensation Board for the next ensuing fiscal year.

Section 10. The effective date of this act shall be June 30, 1952.

H. B. No. 275. AN ACT relating to the excise tax on gasoline.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.210 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 138.220 to 138.340, unless the context requires otherwise:

(1) "Accountable loss" of gasoline means loss or destruction of "received" gasoline, through wrecking of transportation conveyance, explosion, or fire, that has been reported to the Department of Revenue in a manner and form prescribed by the department, supported by positive and conclusive evidence, in the judgment of the department, of the alleged loss, and confirmed in writing to the reporting dealer by the department, after any investigation deemed necessary by the department to establish the bona fide claim of the loss.

(2) "Dealer" means any person who imports or causes to be imported into this state gasoline for storage, use, distribution, or sale and delivery in this state and after it has reached this state; also any person who produces, refines, manufactures, compounds or stores gasoline in this state for use, distribution or sale and delivery in this state; also any person who receives gasoline by tank car, barge or pipe-line delivery from any point within this state upon which gasoline the excise tax levied by KRS 138.220 has not been paid; also any person importing or causing to be imported into this state gasoline in the fuel tank or any auxiliary tank of his motor vehicle in a quantity in excess of thirty gallons.

(3) "Department" means the Department of Revenue.

(4) "Gasoline" means all liquid fuels, including liquids ordinarily, practically and commercially usable in internal combustion engines for the generation of power, and all distillates of and condensates from petroleum, natural gas, coal, coal tar, vegetable ferments and all other products so usable except propane, butane or other liquefied petroleum gases, kerosene, cleaner solvent, fuel oil, diesel fuel and crude oil.

(5) "Received," as applied to gasoline, means when it has been imported into this state by any person for use, distribution, or delivery and sale and when it has been placed in tanks or other containers for use or subject to withdrawal for use, distribution or sale and delivery. Gasoline produced, refined, manufactured or compounded at any refinery in this state by any person shall be deemed to be received by such person when it has been loaded into tank cars for delivery within this state or placed in any tank from which sales or deliveries are made at the refinery where it is produced, refined, manufactured or compounded. Gasoline imported by any person into this state and received through delivery by boat at a marine terminal for storage, or delivered by pipe-line at a pipe-line terminal for storage, shall be deemed to be received when it has been loaded into tank cars for delivery within this state or placed in any tank from which sales or deliveries are made at such marine or pipe-line terminals. Dealers may sell gasoline to licensed bonded dealers in this state in transport truckload, carload or cargo lots,

withdrawing such gasoline from refinery, marine or pipe-line terminal storage tanks, without paying the tax on such gasoline. In such instances the licensed bonded dealer purchasing such gasoline shall be deemed to have received such gasoline, and shall assume responsibility to the state for the payment of the tax thereon and shall report and pay the tax on such gasoline purchased and received.

(6) "Refinery" means any place where gasoline is refined, manufactured, compounded or otherwise prepared for use.

(7) "Storage" means all gasoline produced, refined, distilled, manufactured, blended or compounded and stored at a refinery storage or delivered by boat at a marine terminal for storage or delivered by pipeline at a pipeline terminal, delivery station or tank farm for storage.

(8) "Transporter" means any person who transports gasoline on which the tax has not been paid or assumed.

Section 2. Section 138.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who produces, refines, manufactures, or compounds gasoline in this state shall, by the last day of each month, file a report with the Department of Revenue, on forms prescribed by it, covering the next preceding calendar month, showing the number of gallons of gasoline at sixty degrees Fahrenheit produced, refined, manufactured or compounded, the number of gallons at sixty degrees Fahrenheit withdrawn from storage and received and the number of gallons withdrawn at sixty degrees Fahrenheit from refinery storage and shipped to points outside of this state, and the number of gallons at sixty degrees Fahrenheit withdrawn from refinery storage and shipped to points within this state upon which the tax has not been paid. This report shall give in detail such information as the department may require, regarding each separate shipment, the date of shipment, the number of gallons at sixty degrees Fahrenheit in each shipment, the name of owner and license number of truck if shipped by transport truck, the initial and number of tank car if shipped by rail, the name and owner of barge if shipped by water, the name and address of person to

whom shipped, the point of shipment, the point of destination and the name of carrier to whom delivered for transportation to destination.

(2) Any person who imports and stores gasoline in any marine or pipeline terminal storage in this state shall by the last day of the month, file a report with the Department of Revenue, on forms prescribed by it, covering the next preceding calendar month, showing the number of gallons of gasoline at sixty degrees Fahrenheit unexported and stored, the number of gallons at sixty degrees Fahrenheit withdrawn from storage and received, the number of gallons at sixty degrees Fahrenheit withdrawn from storage and shipped to points outside of this state, and the number of gallons of gasoline at sixty degrees Fahrenheit withdrawn from storage and shipped to points within this state, upon which the tax has not been paid. This report shall give in detail such information as the department may require, regarding each separate shipment, the date of shipment, the number of gallons at sixty degrees Fahrenheit in each shipment, the name of owner and license number of truck if shipped by transport truck, the initial and number of tank car if shipped by rail, the name and owner of barge if shipped by water, the name and address of person to whom shipped, the point of shipment and point of destination, and the name of carrier to whom delivered for transportation to destination.

(3) There shall be allowed a monthly deduction of that number of gallons equal to three-fourths of one per cent of the total number of gallons of gasoline stored in any marine terminal, refinery or pipeline terminal, this deduction being allowed for reporting, evaporation, shrinkage and unaccountable losses while in storage. The remaining ninety-nine and one quarter per cent of such gasoline placed in storage must be fully accounted for as in physical inventory, accountable loss, withdrawn for export or withdrawn from storage and received for taxable purposes. Any gain by virtue of this allowance shall be a credit against the number of gallons received and reported.

(4) The number of gallons of gasoline added to marine, pipeline or refinery storage shall be determined by the department by actual measurement of terminal storage tanks in the

manner it deems necessary. All operators of marine terminals shall notify the department of all barge shipments in sufficient time in advance of the arrival of the shipment to make it possible for the department to measure terminal storage tanks before and after unloading of the gasoline. Such notice shall be given in such form and manner as required by the department.

Section 3. Section 138.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall receive, use, sell, transport, store or distribute any gasoline upon which the tax has not been paid or assumed or engage in the sale, storage or transportation of any gasoline within this state upon which the tax has not been paid unless he is the holder of an uncancelled license issued by the Department of Revenue to engage in such business.

(2) Any licensed transporter other than a regularly licensed gasoline dealer transporting gasoline upon which the tax has not been paid or assumed by motor vehicle shall have plainly painted thereon name, address, and permit number of licensed transporter.

(3) Any person who engages in the business of receiving, using, selling, transporting, storing or distributing gasoline in this state as a dealer, storage operator or transporter without holding an uncancelled license to engage in such business, or who, without such license, receives, uses, sells, transports, stores, or distributes any gasoline upon which the tax imposed by KRS 138.220 has not been reported and paid, shall pay a penalty equal to twenty per cent of the amount of the tax on such gasoline so received, used, sold, transported, stored or distributed.

Section 4. Section 138.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any dealer neglects or refuses to make the return required by KRS 138.240 or to pay the tax at the time provided, a penalty of twenty per cent thereof and interest at six per cent per annum from the date when due shall be paid as a part of the tax. If collected by proceedings in court, an additional penalty of twenty per cent shall be collected and distributed as is authorized by KRS 134.400 and 135.060.

(2) If any taxpayer subject to the penalty provided in subsection (1) of this section submits in writing to the department, his reasons for failure to comply with KRS 138.240, and if the department finds the reasons evidence of justifiable cause for modifying the penalty provided in subsection (1) of this section, it may modify the penalty exacted therein to five per cent of the amount of the tax due and delinquent, provided the five per cent penalty may be reduced to a one per cent penalty if the violation is the first violation by the taxpayer within twelve months.

(3) Any dealer or transporter who fails to make any report or return required under KRS 138.240 or KRS 138.260 within the time required shall pay a penalty of ten dollars to be assessed and collected in the manner provided for the assessment and collection of taxes under KRS 138.210 to KRS 138.340 inclusive or in a civil action, at the instance of the department. In addition such delinquent may be compelled to make the required report or return.

Section 5. Section 138.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) To procure the license required by KRS 138.310, every dealer or transporter so required shall file with the Department of Revenue an application under oath or affirmation, in such form and containing such information as the department may deem necessary.

(2) If the dealer or transporter is a corporation organized under the laws of another state, it shall file with its application a certified copy of the certificate or license issued by the Secretary of State of this state showing that the corporation is authorized to transact business in this state.

(3) At the time of filing application for a license, a bond of the character stipulated and in the amount provided for in KRS 138.330 shall be filed with the department. No license shall be issued upon any application unless accompanied by this bond.

(4) If application for such a license is filed by any person whose license has at any time previously been canceled for

cause by the department, or if the department is of the opinion that the application is not filed in good faith, or that the application is filed by some person as a subterfuge for the real person in interest whose license or registration has previously been canceled for cause by the department, the department may, after a hearing of which the applicant has been given five days' notice in writing, and in which the applicant shall have the right to appear in person or by counsel and present testimony, refuse to issue a license to that person.

(5) The application in proper form having been accepted for filing, and the bond having been accepted and approved, the department shall issue to the applicant a license, subject to cancellation as provided by KRS 138.340. The license shall not be assignable, and shall be valid only for the person in whose name it is issued, and shall be displayed conspicuously in the principal place of business of the dealer in this state.

(6) The department shall keep and file all applications and bonds, with an alphabetical index thereof, together with a record of all licensed dealers or transporters. The department shall publish and keep currently up to date a list of licensed dealers and transporters, and transmit a copy of list and all revisions thereof to all licensed dealers and transporters.

Section 6. Section 138.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every dealer or transporter required to be licensed under KRS 138.310 shall file with the Department of Revenue a bond in the minimum amount of five thousand dollars, and up to a maximum amount sufficient in the opinion of the department, considering the financial rating and reputation of the company, to insure payment to the state of the amount of tax, penalties and interest for which the dealer or transporter may become liable. The bond shall be on a form and with a surety approved by the department. The dealer or transporter shall be the principal obligor and the state the obligee. The bond shall be conditioned upon the prompt filing of true reports and the payment by the dealer to the State Treasurer of all gasoline excise taxes now or hereafter imposed by the state, together with all penalties and interest thereon, and generally upon

faithful compliance with the provisions of KRS 138.210 to 138.340.

(2) If liability upon the bond is discharged or reduced, whether by judgment rendered, payment made or otherwise, or if in the opinion of the department any surety on the bond has become unsatisfactory or unacceptable, the department may require the licensee to file a new bond with satisfactory sureties in the same amount, failing which the department shall forthwith cancel the license of such licensee. If a new bond is furnished as provided above, the department shall cancel and surrender the bond for which the new bond is substituted.

(3) If upon hearing, of which the licensee shall be given five days' notice in writing, the department decides that the amount of the existing bond is insufficient to insure payment to the state of the amount of tax, penalties and interest for which the licensee is or may become liable, said licensee shall forthwith, upon the written demand of the department, file an additional bond in the same manner and form with a surety thereon approved by the department, in any amount determined by the department to be necessary, failing which the department shall forthwith cancel the license of the licensee.

(4) Any surety on a bond furnished as required by this section shall be released from all liability to the state accruing on such bond after the expiration of sixty days from the date upon which the surety has lodged with the department a written request to be released, but this request shall not operate to release the surety from any liability already accrued or which shall accrue before the expiration of the sixty-day period. The department shall promptly, upon receipt of such request, notify the licensee who furnished the bond, and unless said licensee, before the expiration of the sixty-day period, files with the department a new bond with a surety satisfactory to the department in the amount and form hereinbefore provided, the department shall forthwith cancel the license of the licensee. If approved new bond is furnished the department shall cancel and surrender the bond for which the new bond is substituted.

Section 7. Section 138.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any dealer or transporter required to be licensed under KRS 138.310 files a false monthly report of the data or information required by KRS 138.220 to 138.280, or fails, refuses or neglects to file the monthly report required by those sections, even though no tax is due, or to pay the full amount of tax as required by those sections, said dealer or transporter may be cited by the Department of Revenue to show cause at a public hearing before the Kentucky Tax Commission why his license should not be revoked by the commission. Such licensee shall be notified by registered letter or summons. The latter or summons shall appraise the licensee of the charge or charges made against him and he shall have a reasonable opportunity to be heard before his license may be revoked. The summons may be served in the same manner and by the same officers or persons as provided by the Kentucky Civil Code of Practice, or it may be served in said manner by an employee of the Department of Revenue. The hearing shall be set at least five days after the summons is served or the letter delivered. Any aggrieved licensee may appeal from an order of the Kentucky Tax Commission in the manner provided for appeals from other of its rulings subject to the condition that licensee has made bond sufficient in the opinion of the Department of Revenue to protect the Commonwealth from loss of revenue.

(2) The department is hereby given the power to cancel the license upon request in writing from licensee such cancellation to become effective sixty days from the date of receipt of the request. But no license shall be canceled upon the request of any licensee until and unless said licensee prior to the date of such cancellation, pays to the state all excise taxes payable under the laws of the state together with any and all penalties and fines accruing by reason of any failure on the part of such licensee to make accurate reports as required or pay such taxes and penalties.

Ordered that said bills be printed and referred.

The message which was received from the House of Representatives further announced that they had passed bills which originated in the Senate of the following titles, viz:

S. B. No. 115. AN ACT relating to compensation and main-

tenance of persons performing public services in positions requiring the services of a physician.

S. B. No. 138. AN ACT relating to the condemnation of property for construction, reconstruction, and maintenance of highways and bridges and facilities related thereto, and repealing KRS 177.075.

S. B. No. 140. AN ACT relating to a Department of Mental Health, and its establishment, organization, personnel, powers, duties, functions, funds and facilities, including provisions for the transfer of functions, funds and facilities from other state departments or agencies.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

The message which was received from the House of Representatives further announced that they had passed a bill which originated in the Senate of the following title, viz:

S. B. No. 50. AN ACT relating to the licensing, inspection, and regulation of hospitals, public health centers, nursing and convalescent homes, and all institutions for the care of the sick.

With House Amendment in which the House requests the Senate to concur.

REPORT OF THE COMMITTEE ON ENROLLMENT

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

S. B. No. 80. AN ACT relating to the compensation of Judges and Commissioners of the Court of Appeals, and making an appropriation therefor.

S. B. No. 113. AN ACT relating to education.

S. B. No. 11. AN ACT to amend Section 23.050, Kentucky Revised Statutes, 1950 Edition, in so far as it relates to the time of holding the terms of the Circuit Courts in the 36th Judicial District, composing the counties of Knott and Magoffin.

S. B. No. 21. AN ACT relating to the time for holding sessions of circuit court in the thirty-seventh Judicial District.

S. B. No. 45. AN ACT relating to the time of holding the regular terms of court for the eighth circuit court district, composed of Allen and Warren Counties.

S. B. No. 84. AN ACT amending Section 271.445 of the Kentucky Revised Statutes.

S. B. No. 12. AN ACT relating to real estate brokers and salesmen.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Enrolling Clerk of the Senate deliver the original and enrolled copies of said bills to the House.

After a time the Enrolling Clerk delivered said original and enrolled copies of said bills duly signed by the Speaker of the House.

Ordered that the Chief Clerk of the Senate deliver said bills to the Governor.

After a time, the Chief Clerk aforesaid reported that he had discharged that duty.

ORDERS OF THE DAY

The Senate then took up from the Orders of the Day bills and resolutions of the following titles, viz:

H. B. No. 223. AN ACT to further regulate motor trucks, semi-trailer trucks, and trailers, clarifying and enlarging the powers of the Commissioner of Highways and the County judges relating thereto, and amending KRS 189.280. (With Committee Amendment)

S. B. No. 96. AN ACT relating to Public Police Officers.

H. B. No. 132. AN ACT relating to survival of actions, amending section 411.140 of the Kentucky Revised Statutes.

H. B. No. 82. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

H. B. No. 116. AN ACT relating to terms of court in the Twenty-Fourth Judicial District.

H. B. No. 139. AN ACT concerning stockyards.

H. B. No. 146. AN ACT relating to appointment of members of the board of trustees of the University of Kentucky.

H. B. No. 198. AN ACT amending KRS 45.280, relating to Petty Cash Funds of State Budget Units.

H. B. No. 224. AN ACT relating to child labor.

H. B. No. 231. AN ACT relating to the selection and adoption of textbooks for use in public schools.

H. B. No. 271. AN ACT relating to the taxation of special fuels.

H. B. No. 216. AN ACT relating to alleged mental incompetents.

S. B. No. 152. AN ACT relating to the Department of State Police. (With Committee Amendments)

S. B. No. 151. AN ACT concerning organization and government of cities of the first class and agencies thereof, repealing Sections 69.420, 91.010, 91.030, 91.040, 91.050, 91.070, 93.030 (2) and (3), 93.040, 93.130, 93.140, 93.150, 93.160, 93.170, 93.180, 93.190, 93.200, 93.210, 93.220, 93.230, 93.240, 93.250, 93.260, 93.270, 95.080, 95.100, 95.110, 95.120, 95.130, 95.140, 95.150 (2), (3), (4) and (5), 95.190, 95.220, 95.230, 95.240, 95.250, 95.260, 95.280, 95.300, 95.310, 95.320, 95.330, 95.340, 95.350, 95.360, 95.370, 95.380, 95.390, 95.400, 95.410, 95.420, 97.254, 97.256, 97.258 and 98.020 of the Kentucky Revised Statutes and amending Sections 93.060, 93.110, 93.120, 95.160, 95.180, 95.200 and 95.290 of the Kentucky Revised Statutes.

S. B. No. 145. AN ACT relating to crimes and punishments.

H. B. No. 52. AN ACT relating to the County and Circuit Court record books.

S. B. No. 102. AN ACT establishing County Social Service Advisory Committees for public assistance and child welfare.

S. B. No. 101. AN ACT relating to public assistance and welfare of needy aged, needy blind and needy children, and amending sections 205.010, 205.200, 205.210, 205.240, and 205.990 of the Kentucky Revised Statutes and repealing subsection (3) of section 205.170 of the Kentucky Revised Statutes.

S. B. No. 132. AN ACT authorizing certain cities and counties to contribute public funds for charitable and welfare purposes. (With Committee Amendment)

H. B. No. 1. AN ACT relating to the issuance of duplicate game, hunting and fishing licenses and tags, where such original license or tag is lost or destroyed; providing fees for such duplicates. (With Committee Amendment)

H. B. No. 4. AN ACT changing the Classification of the City of Elsmere, in Kenton County.

H. B. No. 79. AN ACT authorizing second class cities to contribute to the support of dependent children.

S. B. No. 193. AN ACT relating to Off-Street parking facilities in Cities of the first and second class, providing for an alternate plan for acquisition.

H. B. No. 230. AN ACT relating to the use of certain funds for the acquisition of space for the Division of Unemployment Insurance and the Department of Unemployment Insurance and the Department of Economic Security; amending KRS 341.245.

H. B. No. 226. AN ACT further empowering the Commissioner of Highways to establish certain highways through fourth, fifth, and sixth class cities.

H. B. No. 227. AN ACT relating to the Department of Welfare, amending Section 439.100 of the Kentucky Revised Statutes.

H. B. No. 58. AN ACT relating to zoning and planning in cities of the second class and in counties containing such a city.

S. B. No. 166. AN ACT relating to city-county boards of health established by KRS 212.350; and providing for the recovery by such boards of fees and charges for treatment, care and serv-

ices rendered by institutions operated and maintained by such boards to patients able to pay therefor, and creating subrogation rights in such boards against persons liable to such patients.

S. B. No. 173. AN ACT relating to sewers and drains in counties in which metropolitan sewer districts have been established.

H. B. No. 15. AN ACT changing the classification of the City of Worthington, in Greenup County.

H. B. No. 169. AN ACT concerning annexation of territory to cities of the third class.

H. B. No. 204. AN ACT relating to the acquisition of industrial buildings and equipment by cities, amending section 103.200 of the Kentucky Revised Statutes.

H. B. No. 42. AN ACT relating to the reappraisal of property for ad valorem taxes in cities, counties and other taxing districts.

S. Res. No. 12. A RESOLUTION concerning Fair Trade Laws.

H. B. No. 145. AN ACT relating to unemployment insurance and amending KRS 341.030 (5), (6) and (7), KRS 341.090 (3); KRS 341.145, KRS 341.200; KRS 341.230; KRS 341.260; KRS 341.270; KRS 341.300; KRS 341.310; KRS 341.370; (4) and (5); KRS 341.380; KRS 341.390; KRS 341.420; (3); KRS 341.540; and KRS 341.990 (5).

S. B. No. 174. AN ACT relating to sewer and drainage facilities in cities of the first class.

S. B. No. 175. AN ACT relating to sewer and drainage facilities in cities of the first class and in counties containing such cities, amending and re-enacting Sections 76.030, 76.080, 76.130, 76.170, and 76.180, Kentucky Revised Statutes.

H. B. No. 149. AN ACT to amend Sections 247.250, 247.280, 247.330, 247.340, 247.350, 247.370 of the Kentucky Revised Statutes relating to county farm bureaus and a state federation of county farm bureaus.

H. B. No. 173. AN ACT concerning the development and promotion of the sheep industry in Kentucky.

H. B. No. 14. AN ACT relating to elections, both regular and primary, with particular relation to the hours the polls are to be open, and the hour the Board of Election Commissioners shall meet for the purpose of counting the ballots.

S. B. No. 42. AN ACT concerning clinical psychologist.

S. Res. No. 24. A RESOLUTION authorizing the payment of special commissioner's fee and costs in the contest case of Cox vs. Hines.

S. B. No. 168. AN ACT changing the classification of the City of Berea, in Madison County.

S. B. No. 123. AN ACT relating to deadly weapons.

S. B. No. 194. AN ACT relating to alcoholic beverage licenses.

Senator Moloney moved that further consideration of said bills be deferred and same be allowed to retain their places in the Orders of the Day.

Said motion was agreed to.

Senator Moloney moved that the Senate do now adjourn until 11 A.M., Tuesday, February 26, 1952.

Said motion was agreed to.

And then the Senate adjourned.

TUESDAY, FEBRUARY 26, 1952

The Senate convened and was called to order by the President of the Senate, Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by Reverend W. P. Wilhoyte of the Nazarene Church, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

Bernard J. Bonn	Louis Cox	Ernest M. Ford
Eugene H. Clark	Archie Craft	Wayne Freeman
Augustus Cornett	Martin J. Duffy	Julian Golden

Stanley Hoffman	Richard P. Moloney	Paul Stapleton
Dr. J. E. Johnson	O. W. Montgomery	Otis C. Thomas
Alvin Kidwell	Jack R. Reynolds	Wendell Van Hoose
Bert Kiser	Freeman Robinson	Sylvester Wagner
James Lassiter	William J. Sample	Ed P. Warriner
C. W. A. McCann	Clay Shackleford	John M. Williams
James R. Mansfield	Cortis K. Stacy	E. V. Withers
Strother Melton		—31

The following Senators were absent—

H. Stanley Blake	Thomas Hines	Earl F. Martin
James P. Hanratty	Homer E. Losey	Leon Shaikun
Doug Hays		—7

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings for Monday, February 25, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Johnson moved that all absent members be granted leaves of absence.

Said motion was agreed to.

Senator Johnson moved that S. B. No. 42 be taken from its place in the Orders of the Day and recommitted.

Said bill is entitled as follows, viz:

S. B. No. 42. AN ACT concerning clinical psychologist.

The yeas and nays being taken on the said motion to recommit said bill were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Alvin Kidwell	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	James R. Mansfield	Paul Stapleton
Archie Craft	Strother Melton	Otis C. Thomas
Martin J. Duffy	Jack R. Reynolds	John M. Williams
Doug Hays	William J. Sample	E. V. Withers
Dr. J. E. Johnson	Clay Shackleford	—20

Those who voted in the negative were—

Eugene H. Clark	O. W. Montgomery	Wendell Van Hoose
Ernest M. Ford	Freeman Robinson	—5

Thereupon it was ordered that said bill be recommitted.

INTRODUCTION OF RESOLUTIONS AND BILLS

Resolutions and bills of the following titles were introduced:

By Senator Freeman.

S. RES. No. 29. A RESOLUTION honoring Assistant Attorney General M. B. Holifield.

Said resolution is as follows, viz:

WHEREAS, the Honorable M. B. Holifield, Assistant Attorney General of the Commonwealth of Kentucky, has recently celebrated his 80th birthday, and

WHEREAS, General Holifield has rendered many years of honorable and most valuable service to this Commonwealth and to its citizens, and

WHEREAS, this body desires to recognize such labors, and to honor the admirable qualities of heart and mind which have made possible the accomplishments of General Holifield,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

(1) That it hereby publicly expresses its appreciation to General Holifield for the great good which has resulted to this Commonwealth from his years of service and states its gratitude therefor.

(2) That General Holifield be presented with an embossed copy of this Resolution.

By Senator Shaikun.

S. RES. No. 30. A JOINT RESOLUTION authorizing and directing payment of a claim of the Rowland Paper Company.

Said resolution is as follows, viz:

Whereas, in September, 1946, The Rowland Paper Company, of Louisville, Kentucky, furnished certain materials in the amount of $494.00 to the Kentucky Department of Highways; and

Whereas, through inadvertence, this account has never been paid,

Now Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the department of Highways is authorized and directed to pay to The Rowland Paper Company, of Louisville, Kentucky, out of any funds at the disposal of the Department, the sum of $494.00, for materials furnished.

Section 2. The Statute of Limitations as now provided by law shall not be a bar to the payment of the claim authorized herein.

By Senator Warinner.

S. B. No. 229. AN ACT concerning county law libraries.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 172.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The circuit clerk shall be ex officio librarian of the county law library and he shall see that county and state officials have access to the library at reasonable hours each day except Sunday and holidays. He shall receive a salary of fifty dollars per month for his services as librarian.

By Senator Warinner.

S. B. No. 230. AN ACT relating to Public Assistance.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. From each individual payment made to recipients of public assistance the Commissioner of Economic Security shall withhold fifty (50c) cents which sum shall be deposited in a fund to be held by the Department of Economic Security and shall be used solely for the purpose of paying, in whole or in part, the burial expense of all decedents who were recipients of public assistance at the time of their death. Upon receipt of notice of the death of a recipient the Commissioner of Economic Security shall cause to be forwarded to the family of the decedent a check in the amount of one hundred dollars which shall be used to defray the burial expense of such decedent.

Section 2. The Commissioner of Economic Security shall cause to be investigated at least once every three months each case in which a person is receiving public assistance benefits under the provisions of KRS 205.160 to 205.250.

Section 3. Every recipient of, and applicant for, public assistance benefits under the provisions of KRS 205.160 to 205.250 shall, in answering questions and furnishing information relative to his qualifications for public assistance, take an oath as to the truth of his answers and information furnished.

By Senator Stapleton.

S. B. No. 231. AN ACT amending Section 417.040 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The award of the arbitrators shall be in writing and signed by them and the umpire, if any, and shall be a final settlement of the controversy between the parties. It shall bind all parties. Copies of the award shall be given within a reasonable time to each party. An action by ordinary pro-

ceeding may be maintained by either party against the other for a failure to perform the award.

Ordered that said S. Res. No. 30 and said bills be printed and referred.

REFERRAL OF BILLS

Senator Moloney, chairman of the Committee on Committees, announces the referral of the following bills and resolutions:

S. B. No. 221, Agriculture

S. Res. No. 27, No. 28, H. Res. No. 28, Claims

S. B. No. 225, Constitutional Amendments

H. B. No. 105, H. B. No. 268, Courts and Legal Procedure

S. B. No. 227, H. B. No. 215, H. B. No. 222, Judiciary and Judicial Council

S. B. No. 222, No. 223, No. 224, No. 226, H. B. No. 144, No. 158, No. 228, No. 269, No. 275, No. 276, No. 288, No. 289, Kentucky Statutes No. 2

H. B. No. 60, Motor Vehicles, Commerce and Common Carriers

H. B. No. 237, No. 265, No. 282, Municipalities

S. B. No. 228, Public Health

H. B. No. 165, Revenue and Taxation

ORDERS OF THE DAY

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 145. AN ACT relating to crimes and punishments.

Senator Moloney offered the following amendment to said bill, viz:

"By striking in lines 3 and 4 the following words "fined not more than $5000.00 or"

Senator Moloney moved the adoption of said amendment.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the previous question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendment, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendment, having been dispensed with, said bill, with amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Bert Kiser	Clay Shackleford	
Eugene H. Clark	James Lassiter	Leon Shaikun	
Augustus Cornett	Homer E. Losey	Cortis K. Stacy	
Louis Cox	C. W. A. McCann	Paul Stapleton	
Archie Craft	James R. Mansfield	Otis C. Thomas	
Martin J. Duffy	Strother Melton	Wendell Van Hoose	
Ernest M. Ford	Richard P. Moloney	John M. Williams	
Doug Hays	O. W. Montgomery	E. V. Withers	
Dr. J. E. Johnson	Jack R. Reynolds		
Alvin Kidwell	William J. Sample		—28

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 102. AN ACT establishing County Social Service Advisory Committees for public assistance and child welfare.

Senator Losey offered the following amendment to said bill:

AMENDMENT NO. 1 TO SENATE BILL NO. 102

Section 2, page 4, Line 10, by adding immediately following line 10 the following:

"A copy of the public assistance rolls of each county shall be furnished to each member of the County Social Service Advisory Committee of that county, and, upon request, a copy of such rolls shall be furnished to each public official of the County."

Senator Losey moved the adoption of said amendment.

The yeas and nays being taken on the adoption of said amendment were as follows, viz:

Those who voted in the affirmative were—

Augustus Cornett	Homer E. Losey	Otis C. Thomas
Archie Craft	Freeman Robinson	Wendell Van Hoose

—6

Those who voted in the negative were—

Bernard J. Bonn	Alvin Kidwell	O. W. Montgomery
Louis Cox	Bert Kiser	Jack R. Reynolds
Martin J. Duffy	James Lassiter	William J. Sample
Ernest M. Ford	C. W. A. McCann	Leon Shaikun
Wayne Freeman	James R. Mansfield	Cortis K. Stacy
Doug Hays	Strother Melton	
Stanley Hoffman	Richard P. Moloney	

—19

Thereupon said vote on said amendment was lost.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Bert Kiser	William J. Sample	
Louis Cox	James Lassiter	Leon Shaikun	
Archie Craft	C. W. A. McCann	Cortis K. Stacy	
Martin J. Duffy	James R. Mansfield	Otis C. Thomas	
Ernest M. Ford	Strother Melton	Wendell Van Hoose	
Doug Hays	Richard P. Moloney	John M. Williams	
Stanley Hoffman	O. W. Montgomery	E. V. Withers	
Dr. J. E. Johnson	Jack R. Reynolds		
Alvin Kidwell	Freeman Robinson		—25

There voted in the negative—

Homer E. Losey —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills which originated in that body of the following titles, viz:

H. B. No. 280. AN ACT relating to the use of professional titles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) No person shall, in connection with the practice of medicine, surgery, osteopathy, optometry, dentistry, chiropody, pharmacy, chiropractic, psychology or psychiatry, nursing, anestheiology, physio or physical therapy, or any other profession or business having for its purpose the diagnosis, treatment, correction or cure of any human ailment, condition, disease, injury or infirmity, hold himself out as a Doctor or employ or use in any manner the title "Doctor" or "Dr.", unless he actually has graduated and holds a doctor degree from a school, college, university or institution authorized by its governing body to confer such degree.

(2) No person who holds a doctor degree, as provided in subsection (1) of this section, shall use or employ the title "Doctor" or "Dr." in or upon any letter, statement, card, prescription, sign, listing or other writing, without affixing suitable words or letters designating the particular doctor degree held by such person.

Section 2. Nothing in this Act shall be construed as authorizing the unlicensed practice of any profession or business referred to in section 1. Nor shall anything in this Act be construed as repealing or amending any law or laws relating to licensure or regulation of the professions or business referred to in Section 1.

Section 3. (1) Each violation of subsection (1) of section 1 shall, for the first offense, be punishable by a fine of not less than fifty dollars nor more than three hundred dollars or by imprisonment for not more than thirty days or both, and, for each subsequent offense, by a fine of not less than three hundred dollars nor more than one thousand dollars or by imprisonment for not more than one year, or both.

(2) Each violation of subsection (2) of section 1 shall,

for the first offense, be punishable by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both, and, for each subsequent offense, by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars or by imprisonment for not more than ninety days or both.

(3) Each day of violation of either subsection of section 1 shall constitute a separate offense.

H. B. No. 308. AN ACT changing the classification of the City of Shively, in Jefferson County, Kentucky.

Said bill is as follows, viz:

WHEREAS, satisfactory evidence has been presented to the General Assembly that the population of the City of Shively, in Jefferson County, is such as to justify its being assigned to the fourth class of cities;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Shively, in Jefferson County, Kentucky, is transferred and changed from the fifth class to the fourth class of cities, and is hereby assigned to the cities of the fourth class.

Ordered that said bills be printed and referred.

A message which was received from the House of Representatives further announced that they had passed bills which originated in the Senate of the following titles, viz:

S. B. No. 82. AN ACT relating to liquefied petroleum gas.

S. B. No. 103. AN ACT concerning enforceability of contracts of infants executed to obtain benefits of federal law providing for the making or guaranteeing of loans to war veterans.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 101. AN ACT relating to public assistance and welfare of needy aged, needy blind and needy children, and amending sections 205.010, 205.200, 205.210, 205.240, and 205.990 of the Kentucky Revised Statutes and repealing subsection (3) of section 205.170 of the Kentucky Revised Statutes.

Senator Warinner offered the following amendment to said bill, viz:

AMENDMENT NO. 1 TO BILL NO. S. B. 101

On page 3, section 1, line 55, by inserting immediately following line 55 the following

"(13) Needy permanently and totally disabled" means a person who has attained the age of eighteen and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health."

Senator Warinner moved the adoption of said amendment.

The yeas and nays being taken on the adoption of said amendment were as follows, viz:

Those who voted in the affirmative were—

Homer E. Losey	Wendell Van Hoose	Ed P. Warriner

—3

Those who voted in the negative were—

Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Louis Cox	Alvin Kidwell	Clay Shackleford
Martin J. Duffy	James Lassiter	Cortis K. Stacy
Ernest M. Ford	James R. Mansfield	Paul Stapleton
Wayne Freeman	Strother Melton	John M. Williams
Doug Hays	Richard P. Moloney	E. V. Withers
Stanley Hoffman	O. W. Montgomery	

—20

Thereupon, said amendment was rejected.

Senator Losey offered the following amendment to said bill, viz:

AMENDMENT NO. 2. TO SENATE BILL NO. 101

Section 1, page 5, line 40, by adding immediately following line 40 the following

"(2) (a) Notwithstanding the provisions of subsection 1 of this section, any citizen of any county may, at any reasonable hour, and upon request, have access to and inspect the rolls containing the names of all recipients of public assistance in the county in which he resides.

(b) In addition to the information furnished under the provisions of subsection 1 of this section, a copy of the public assistance rolls of each county shall be furnished to each member of the County Social Services Advisory Committee of that county, and, upon request, a copy of such rolls shall be furnished to each public official of the county whose duties require such information."

Senator Losey moved the adoption of said amendment.

The yeas and nays being taken on the adoption of said amendment were as follows, viz:

Those who voted in the affirmative were—

Julian Golden	Freeman Robinson	Wendell Van Hoose
Homer E. Losey	Otis C. Thomas	—5

Those who voted in the negative were—

Bernard J. Bonn	Dr. J. E. Johnson	Richard P. Moloney
Louis Cox	Alvin Kidwell	O. W. Montgomery
Martin J. Duffy	Bert Kiser	Jack R. Reynolds
Ernest M. Ford	James Lassiter	William J. Sample
Wayne Freeman	C. W. A. McCann	Leon Shaikun
Doug Hays	James R. Mansfield	Cortis K. Stacy
Stanley Hoffman	Strother Melton	—20

Thereupon said amendment was rejected.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Dr. J. E. Johnson	Jack R. Reynolds
Louis Cox	Alvin Kidwell	Freeman Robinson
Archie Craft	Bert Kiser	William J. Sample
Martin J. Duffy	James Lassiter	Clay Shackleford
Ernest M. Ford	C. W. A. McCann	Leon Shaikun
Wayne Freeman	James R. Mansfield	Cortis K. Stacy
Julian Golden	Strother Melton	Otis C. Thomas
Doug Hays	Richard P. Moloney	Wendell Van Hoose
Stanley Hoffman	O. W. Montgomery	E. V. Withers

—27

There voted in the negative—

Homer E. Losey —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 152. AN ACT relating to the Department of State Police.

With committee amendments as follows:

COMMITTEE AMENDMENTS TO S. B. NO. 152

Committee Amendment No. 1.

By striking from Sub-section 2, of Section 6, on page 10, line 9 of the printed copy, the word "Commissioner", and inserting in lieu thereof the word "Governor"; and by striking from line 11, in the same sub-section and on the same page the word "Commissioner" as the same first appears on said line, and inserting in lieu thereof the word "Governor", and by striking from line 26, in the same Sub-section but on page 11, the word "Commissioner" and inserting in lieu thereof the word "Governor".

Committee Amendment No. 2.

By inserting, after the word "may" on line 24 of page 10 in Sub-section 2 of Section 6, the words and punctuation as follows:

"with the approval of the Governor,"

Senator Cox moved the adoption of committee amendment No. 1.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Cox moved the adoption of Committee Amendment No. 2.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Cox moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with Committee Amendments, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with Committee

Amendments, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with Committee Amendments, having been dispensed with, said bill, with Committee Amendments, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with Committee Amendments, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	C. W. A. McCann	Otis C. Thomas
Ernest M. Ford	James R. Mansfield	Wendell Van Hoose
Julian Golden	Strother Melton	Ed P. Warinner
Doug Hays	Richard P. Moloney	John M. Williams
Stanley Hoffman	Jack R. Reynolds	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill with Committee Amendments was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of the introduction of a bill.

Said motion was agreed to.

A bill of the following title was introduced, viz:

By Senator Bonn.

S. B. No. 232. AN ACT relating to waterworks' boards.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 96.250 of the Kentucky Revised Statutes is amended to read as follows:

The board of waterworks shall annually elect a president, treasurer, secretary and chief engineer, who shall hold their offices for one year, or until their successors have been elected and qualified, and devote all their time to the duties of their respective offices. No member of the board except the president shall receive a salary, but the board may allow compensation to each member other than the president for attendance upon the meetings of the board, not exceeding twenty-five dollars for each meeting attended, but no member shall be paid more than six hundred dollars during any fiscal year. The president shall be elected from the members of the board. The president, secretary and treasurer shall each give bond with approved surety, in an amount fixed by the board, payable to the board and conditioned that the makers will faithfully perform the duties of their several offices. The board may appoint such other employes as it deems necessary or proper and may fix the compensation of its officers and employes.

Senator Moloney moved that the Senate do now recess until 2 P.M.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President of the Senate, Honorable Emerson Beauchamp, resumed the chair and presided over the Senate.

REPORTS OF COMMITTEES

Senator Cox, chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported bills of the following titles, viz:

S. B. No. 210. AN ACT relating to the transfer of the

Division of Child Welfare to the Kentucky Children's Bureau within the Department of Welfare, and services to needy children.

S. B. No. 209. AN ACT relating to and regulating advertising signs or devices on or adjacent to public highways, and providing penalties.

S. B. No. 162. AN ACT relating to administrative agencies of the state government; including provisions as to the preparation, filing, effectiveness and publication or distribution of administrative regulations, procedure before administrative agencies, and judicial review of the actions of administrative agencies.

H. B. No. 150. AN ACT concerning the definition of "Filled Milk."

S. B. No. 146. AN ACT relating to liens, amending section 376.150 of the Kentucky Revised Statutes.

H. B. No. 144. AN ACT relating to public health.

S. B. No. 224. AN ACT relating to the furnishing of school services to children in certain state institutions.

S. B. No. 223. AN ACT appropriating funds from the General Expenditure Fund for the payment of prior year claims for the fiscal year ending June 30, 1952.

S. B. No. 222. AN ACT relating to the investment of state funds and moneys; amending KRS 41.380.

H. B. No. 277. AN ACT relating to taxes on the production of crude petroleum, and particularly in respect to penalties relating thereto.

H. B. No. 274. AN ACT relating to the office of Receiver of the circuit court in a county containing a population of 300,000 or over and providing for the payment of such officer's compensation in case the fees of the office are not sufficient to meet his salary.

H. B. No. 225. AN ACT relating to the State Fair Board, repealing Subsection (2) of Section 247.170 of the Kentucky Revised Statutes.

S. B. No. 226. AN ACT providing the manner and time of electing members of county boards of education in counties containing a city of the first class, if and when an independent school district in a city of the first class is merged with the county school district, and providing for the filling of vacancies in office.

H. B. No. 275. AN ACT relating to the excise tax on gasoline.

H. B. No. 289. AN ACT amending Section 146.090 of the Kentucky Revised Statutes, relating to the Soil and Water Resources Commission.

H. B. No. 288. AN ACT amending Section 104.390 of the Kentucky Revised Statutes, relating to the State Flood Control and Water Usage Board.

H. B. No. 158. AN ACT relating to mines and minerals.

With expression of opinion that same should pass.

Whereupon, said bills were read at length for the first time and

Ordered placed in the Calendar.

Senator Cox, Chairman of the Committee on Kentucky Statutes No. 2 to which same had been previously referred, reported bills of the following titles, viz:

H. B. No. 196. AN ACT, relating to public printing, amending Sections 57.045, 57.060, 57.090, 57.180, and 57.250 and repealing Sections 57.080 and 57.260 of the Kentucky Revised Statutes.

With Committee Amendment is follows, viz:

On page 1, section 1, line 8, by striking the period at the end of line 8 and substituting a comma therefor, and adding the following:

"except for educational publications based on research, the rates for which shall be computed on the basis of actual cost." and on page 3, section 5, by striking lines 3, 4, 5, 6, 7, and 8 and substituting therefor the following:

"All contractors under this chapter shall promptly execute all orders issued to them by the Department of Finance."

S. B. No. 195. AN ACT relating to planning and zoning in cities of the third, fourth, fifth, and sixth classes.

With Committee Amendment as follows, viz:

By adding a new section to follow after line 37, on page 4, of the printed bill, which shall read as follows:

Section 5. "The provisions of this act shall not apply to the Capital Planning and Zoning Commission created under KRS 147.190 to KRS 147.250, both inclusive."

With the expression of opinion that same should pass with said Committee Amendments thereto.

Said bills were read at length for the first time and

Ordered placed in the Calendar.

Senator McCann, Chairman of the Committee on Municipalities, to which same had been previously referred reported bills of the following titles, viz:

H. B. No. 262. AN ACT concerning the placing of fire hydrants in the public ways in cities of the first class; the letting of contracts therefor and the apportionment of the costs thereof.

S. B. No. 187. AN ACT relating to the establishment and maintenance of high schools in cities with a population of 200,000 or more.

H. B. No. 282. AN ACT authorizing payment of traveling expenses of certain public officers and employees of counties containing cities of the first class.

With the expression of opinion that same should pass.

Whereupon, said bills were read at length for the first time and

Ordered placed in the Calendar.

Senator McCann, Chairman of the Committee on Municipalities, to which same had been previously referred reported a bill of the following title, viz:

S. B. No. 79. AN ACT relating to the lighting of the New State Capitol.

With expression of opinion that same should not pass.

Senator Shackelford, Chairman of the Committee on Judiciary and Judicial Council, to which same had been previously referred reported bills of the following titles, viz:

S. B. No. 227. AN ACT changing the terms of court in the thirty-ninth Judicial District.

S. B. No. 185. AN ACT relating to civil jurisdiction of quarterly and justices' courts.

H. B. No. 20. AN ACT relating to district detectives.

S. B. No. 212. AN ACT relating to pleading, practice and procedure in civil actions and criminal proceedings.

With expression of opinion that same should pass.

Whereupon, said bills were read at length for the first time and

Ordered placed in the Calendar.

H. B. No. 215. AN ACT relating to the Statute of Frauds.

With expression of opinion that same should not pass.

Senator Kiser, Chairman of the Committee on Motor Vehicles, Commerce and Common Carriers, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 135. AN ACT to prevent trespassing upon posted railroad property.

With expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

At this time the President of the Senate vacated the chair which was assumed by the President Pro Tem of the Senate.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled a resolution and bills of the following titles, viz:

H. Res. No. 9. A JOINT RESOLUTION memorializing Congress to continue to maintain and operate certain improvements in the Kentucky River.

H. B. No. 70. AN ACT relating to fertilizer.

H. B. No. 96. AN ACT relating to election precincts, amending section 116.180 of the Kentucky Revised Statutes.

H. B. No. 97. AN ACT relating to voting procedure, amending section 118.280 of the Kentucky Revised Statutes.

H. B. No. 98. AN ACT relating to absent voting, amending sections 126.160, 126.170 and subsection (3) of section 126.270 of the Kentucky Revised Statutes.

H. B. No. 99. AN ACT relating to support of children, amending section 405.020 of the Kentucky Revised Statutes.

H. B. No. 100. AN ACT relating to the Department of Welfare including smoking regulations in the Penal Institutions and Houses of Reform.

H. B. No. 101. AN ACT relating to the trust and agency fund of the Metal Stamping Plant in the Department of Welfare.

H. B. No. 127. AN ACT concerning waterworks in ciites other than first class.

H. B. No. 148. AN ACT concerning promotion of agriculture and horticulture.

H. B. No. 152. AN ACT relating to the ad valorem tax system of the state, counties, cities and other taxing districts.

H. B. No. 157. AN ACT relating to children, and their care, custody, treatment and disposition; including provisions as to juvenile courts and as to the jurisdiction and powers of other courts concerning children, and provisions for establishment of agencies and facilities of the state for the administration of state functions regarding children.

Thereupon, all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President Pro Tem of the Senate, in open session and in the presence of the Senate affixd his signature thereto.

Ordered that the Chief Clerk of the Senate deliver the original and enrolled copies of said bill to the Enrolling Clerk of the House.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

S. B. No. 115. AN ACT relating to compensation and maintenance of persons performing public services in positions requiring the services of a physician.

S. B. No. 138. AN ACT relating to the condemnation of property for construction, reconstruction, and maintenance of highways and bridges and facilities related thereto, and repealing KRS 177.075.

S. B. No. 140. AN ACT relating to a Department of Mental Health, and its establishment, organization, personnel, powers, duties, functions, funds and facilities, including provisions for the transfer of functions, funds and facilities from other state departments or agencies.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President Pro Tem of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Enrolling Clerk of the Senate deliver the original and enrolled copies of said bills to the House.

After a time the Enrolling Clerk delivered said original and enrolled copies of said bills duly signed by the Speaker of the House.

Ordered that the Chief Clerk of the Senate deliver said bills to the Governor.

After a time, the Chief Clerk aforesaid reported that he had discharged that duty.

The Senate took up for consideration from the Orders of the Day a bill entitled as follows, viz:

S. B. No. 132. AN ACT authorizing certain cities and counties to contribute public funds for charitable and welfare purposes.

Senator Moloney moved the adoption of amendment by way of Committee Substitute, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The legislative body of any city of the third class or fiscal court of the county containing such city is authorized to contribute public funds to any private agency or organization, or combination of such agencies or organizations, located in the city or county, performing charitable and welfare work among the citizens generally of the city or county.

Section 2. The legislative body of any city of the third class or the fiscal court of the county containing such city, or both acting jointly, may create a department, board or other agency for the purpose of serving either the county or the city or both, in the administration and supervision of: All forms of public assistance, general relief, and social services to adults and children in homes or eleemosynary and correctional institutions; city and county eleemosynary institutions; city and county penal institutions including the establishment of rules and regulations for the custody, government, and parole of inmates; other public welfare activities or services which may be placed within the control of the board.

Said motion was agreed to.

Thereupon said amendment by way of Committee Substitute was adopted.

Senator Hanratty offered an amendment to said bill, as

amended by way of Committee Substitute, which amendment is as follows:

Amendment No. 1 to Committee Substitute to Senate Bill No. 132

Amend printed copy of Committee Substitute for Senate Bill No. 132 page 1, section 1, line 3 by striking therefrom the word "contribute" and substituting in lieu thereof the word "pay".

Senator Hanratty moved the adoption of said amendment.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the Previous Question on said Committee Substitute, with amendment, which is entitled as follows:

S. B. No. 132. AN ACT relating to social and welfare services in certain cities and counties.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, by way of Committee Substitute as amended, be engrossed and read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendments, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendment by way of Committee Substitute, as amended, having been dispensed with, and same having been engrossed, said bill, with amendments, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendments, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Clay Shackleford
Bernard J. Bonn	Dr. J. E. Johnson	Leon Shaikun
Augustus Cornett	Alvin Kidwell	Cortis K. Stacy
Louis Cox	Bert Kiser	Paul Stapleton
Archie Craft	James Lassiter	Otis C. Thomas
Martin J. Duffy	Homer E. Losey	Wendell Van Hoose
Ernest M. Ford	C. W. A. McCann	Ed P. Warinner
Wayne Freeman	James R. Mansfield	John M. Williams
Julian Golden	Richard P. Moloney	E. V. Withers
James P. Hanratty	Jack R. Reynolds	
Doug Hays	Freeman Robinson	—31

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendments, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 173. AN ACT relating to sewers and drains in counties in which metropoitan sewer districts have been established.

Senator Shaikun moved the Previous Question.

Whereupon, the President Pro tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	James P. Hanratty	Jack R. Reynolds
Bernard J. Bonn	Doug Hays	Freeman Robinson
Eugene H. Clark	Stanley Hoffman	William J. Sample
Augustus Cornett	Dr. J. E. Johnson	Leon Shaikun
Louis Cox	Alvin Kidwell	Paul Stapleton
Archie Craft	James Lassiter	Wendell Van Hoose
Martin J. Duffy	C. W. A. McCann	Sylvester Wagner
Ernest M. Ford	James R. Mansfield	Ed P. Warinner
Wayne Freeman	Earl F. Martin	John M. Williams
Julian Golden	Richard P. Moloney	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 174. AN ACT relating to sewer and drainage facilities in cities of the first class.

Senator Shaikun moved the Previous Question.

Whereupon, the President Pro tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	James P. Hanratty	Jack R. Reynolds
Bernard J. Bonn	Doug Hays	Freeman Robinson
Eugene H. Clark	Stanley Hoffman	William J. Sample
Augustus Cornett	Dr. J. E. Johnson	Leon Shaikun
Louis Cox	Alvin Kidwell	Paul Stapleton
Archie Craft	James Lassiter	Wendell Van Hoose
Martin J. Duffy	C. W. A. McCann	Sylvester Wagner
Ernest M. Ford	James R. Mansfield	Ed P. Warinner
Wayne Freeman	Earl F. Martin	John M. Williams
Julian Golden	Richard P. Moloney	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 175. AN ACT relating to sewer and drainage facilities in cities of the first class and in counties containing such cities, amending and reenacting Sections 76.030, 76.080, 76.130, 76.170 and 76.180, Kentucky Revised Statutes.

Senator Shaikun moved the Previous Question.

Whereupon, the President Pro tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	James P. Hanratty	Jack R. Reynolds
Bernard J. Bonn	Doug Hays	Freeman Robinson
Eugene H. Clark	Stanley Hoffman	William J. Sample
Augustus Cornett	Dr. J. E. Johnson	Leon Shaikun
Louis Cox	Alvin Kidwell	Paul Stapleton
Archie Craft	James Lassiter	Wendell Van Hoose
Martin J. Duffy	C. W. A. McCann	Sylvester Wagner
Ernest M. Ford	James R. Mansfield	Ed P. Warinner
Wayne Freeman	Earl F. Martin	John M. Williams
Julian Golden	Richard P. Moloney	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill, entitled as follows, viz:

S. B. No. 193. AN ACT relating to Off-Street Parking facilities in Cities of the first and second class, providing for an alternate plan for acquisition.

Senator Moloney offered the following amendments to said bill, viz:

Amendment No. 1 To S. B. No. 193

By striking the following words: "of the first or second class", in line 1 of the priinted bill.

Amendment No. 2 To S. B. No. 193

Amend the title to S. B. No. 139 by striking the following words from the title and preamble to wit: "of the first and second class,"

Senator Moloney moved the adoption of Amendment No. 1.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the adoption of Amendment No. 2.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the previous question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendments, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendments, having been dispensed with, said bill, with amendments, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendments, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Archie Craft	Doug Hays
Bernard J. Bonn	Martin J. Duffy	Stanley Hoffman
Eugene H. Clark	Ernest M. Ford	Dr. J. E. Johnson
Augustus Cornett	Wayne Freeman	Alvin Kidwell
Louis Cox	Julian Golden	C. W. A. McCann

James R. Mansfield	Leon Shaikun	Sylvester Wagner
Earl F. Martin	Cortis K. Stacy	Ed P. Warinner
Richard P. Moloney	Otis C. Thomas	John M. Williams
Jack R. Reynolds	Wendell Van Hoose	E. V. Withers
Freeman Robinson		—28

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 166. AN ACT relating to city-county boards of health established by KRS 212.350; and providing for the recovery by such boards of fees and charges for treatment, care and services rendered by institutions operated and maintained by such boards to patients able to pay therefor, and creating subrogation rights in such boards against persons liable to such patients.

Senator Robinson moved the Previous Question.

Whereupon, the President Pro tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Dr. J. E. Johnson	Freeman Robinson
Eugene H. Clark	Alvin Kidwell	William J. Sample
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Martin J. Duffy	Homer E. Losey	Paul Stapleton
Ernest M. Ford	C. W. A. McCann	Otis C. Thomas
Wayne Freeman	James R. Mansfield	Wendell Van Hoose
Julian Golden	Earl F. Martin	Ed P. Warinner
Doug Hays	Richard P. Moloney	John M. Williams
Stanley Hoffman	Jack R. Reynolds	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 151. AN ACT concerning organization and government of cities of the first class and agencies thereof, repealing Sections 69.420, 91.010, 91.030, 91.040, 91.050, 91.070, 93.030 (2) and (3), 93.040, 93.130, 93.140, 93.150, 93.160, 93.170, 93.180, 93.190, 93.200, 93.210, 93.220, 93.230, 93.240, 93.250, 93.260, 93.270, 95.080, 95.100, 95.110, 95.120, 95.130, 95.140, 95.150 (2), (3), (4) and (5), 95.190, 95.220, 95.230, 95.240, 95.250, 95.260, 95.280, 95.300, 95.310, 95.320, 95.330, 95.340, 95.350, 95.360, 95.370, 95.380, 95.390, 95.400, 95.410, 95.420, 97.254, 97.256, 97.258 and 98.020 of the Kentucky Revised Statutes and amending Sections 93.060, 93.110, 93.120, 95.160, 95.180, 95.200 and 95.290 of the Kentucky Revised Statutes.

Senator Shaikun moved the Previous Question.

Whereupon, the President Pro tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Dr. J. E. Johnson	Clay Shackleford
Eugene H. Clark	Alvin Kidwell	Leon Shaikun
Augustus Cornett	James Lassiter	Paul Stapleton
Louis Cox	Homer E. Losey	Otis C. Thomas
Archie Craft	C. W. A. McCann	Wendell Van Hoose
Martin J. Duffy	James R. Mansfield	John M. Williams
Wayne Freeman	Richard P. Moloney	E. V. Withers
Doug Hays	Jack R. Reynolds	
Stanley Hoffman	Freeman Robinson	—25

There voted in the negative—

H. Stanley Blake —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. RES. No. 24. A RESOLUTION authorizing the payment of Special Commissioner's fee and costs in the contest case of Cox vs. Hines.

Senator Kidwell moved the Previous Question.

Whereupon, the President Pro tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said resolution be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	William J. Sample
Bernard J. Bonn	Dr. J. E. Johnson	Clay Shackleford
Eugene H. Clark	Alvin Kidwell	Cortis K. Stacy
Augustus Cornett	James Lassiter	Paul Stapleton
Louis Cox	Homer E. Losey	Otis C. Thomas
Archie Craft	C. W. A. McCann	Wendell Van Hoose
Martin J. Duffy	James R. Mansfield	Sylvester Wagner
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	Richard P. Moloney	John M. Williams
Julian Golden	Jack R. Reynolds	E. V. Withers
Doug Hays	Freeman Robinson	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 168. AN ACT changing the classification of the city of Berea, in Madison County.

Senator Shackelford moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	William J. Sample
Bernard J. Bonn	Dr. J. E. Johnson	Clay Shackleford
Eugene H. Clark	Alvin Kidwell	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	C. W. A. McCann	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warinner
Julian Golden	O. W. Montgomery	John M. Williams
Doug Hays	Jack R. Reynolds	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 194. AN ACT relating to alcoholic beverage licenses.

Senator Moloney moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Doug Hays	Jack R. Reynolds
Eugene H. Clark	Stanley Hoffman	Freeman Robinson
Augustus Cornett	Dr. J. E. Johnson	William J. Sample
Louis Cox	Homer E. Losey	Leon Shaikun
Archie Craft	C. W. A. McCann	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	—23

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 52. AN ACT relating to the County and Circuit Court record books.

Senator Moloney moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Dr. J. E. Johnson	Jack R. Reynolds
Eugene H. Clark	Alvin Kidwell	Freeman Robinson
Augustus Cornett	Bert Kiser	William J. Sample
Louis Cox	James Lassiter	Leon Shaikun
Archie Craft	Homer E. Losey	Otis C. Thomas
Martin J. Duffy	C. W. A. McCann	Wendell Van Hoose
Ernest M. Ford	James R. Mansfield	Ed P. Warinner
Wayne Freeman	Earl F. Martin	John M. Williams
Doug Hays	Richard P. Moloney	E. V. Withers
Stanley Hoffman	O. W. Moutgomery	—29

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 79. AN ACT authorizing second class cities to contribute to the support of dependent children.

Senator Moloney moved the Previous Question.

Whereupon, the President Pro tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Bert Kiser	Clay Shackleford
Archie Craft	C. W. A. McCann	Cortis K. Stacy
Martin J. Duffy	James R. Mansfield	Otis C. Thomas
Ernest M. Ford	Earl F. Martin	Wendell Van Hoose
James P. Hanratty	Richard P. Moloney	Sylvester Wagner
Doug Hays	O. W. Montgomery	Ed P. Warinner
Stanley Hoffman	Jack R. Reynolds	John M. Williams
Dr. J. E. Johnson	Freeman Robinson	E. V. Withers
Alvin Kidwell	William J. Sample	

—26

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of the introduction of a bill.

Said motion was agreed to.

A bill of the following title was introduced, viz:

By Senator Sample.

S. B. No. 233. AN ACT relating to the letting of work by the Commissioners of Water Districts, amending Kentucky Revised Statutes 74.260.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Kentucky Revised Statutes 74.260 be amended to read as follows:

Upon the final reference to it by the court of any proceedings under this chapter, the commission shall give notice in some newspaper published in the county in which the improvement is located and such publication elsewhere as it deems expedient, of the time and place of letting the work of construction of the improvements. In such notice the commission shall specify the approximate amount of work to be done and the time fixed for the completion of the work. On the date appointed for the letting, the commission shall convene and let the work to the lowest responsible bidder. The work may be let either as a whole or in sections, and either for a lump sum bid or upon the basis of cost plus a fixed fee or percentage of the cost of the improvement, as the commission deems most advantageous. In the event that the work is let upon a lump sum basis, no bid shall be entertained that exceeds the estimated cost, unless it is shown that the original estimate was erroneous. The commission may reject any or all bids and advertise the

work again, if in its judgment the interest of the district will be served by so doing. The commission may require each bidder to execute a bond or put up a certified check payable to the Treasurer of the Water District, in an amount fixed by the commission, to the effect that the bidder will enter into a contract with the commission if his bid is accepted. The successful bidder shall be required to enter into a contract with the commission and to execute a bond for the faithful performance of the contract, with sufficient surety, to the commission for the use and benefit of the district in an amount equal to 50% of the estimated cost of the work awarded to such bidder.

Ordered that said bill be printed and referred.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 1. AN ACT relating to the issuance of duplicate game, hunting and fishing licenses and tags, where such original license or tag is lost or destroyed; providing fees for such duplicates.

Senator Moloney offered the following amendment to said bill, viz:

Amendment No. 1 To H. B. No. 1

On page 2 line 11 by adding at the end of line 11 the following:

"The clerk, upon issuance of a duplicate license certificate or tag, shall attach the carbon copy of such duplicate license to the carbon copy of the lost or destroyed original license certificate or tag and forward such copies to the Division of Game and Fish with his next monthly statement."

Senator Moloney moved the adoption of said amendment.

Said motion was disagreed to.

Thereupon said amendment was lost.

Senator Bonn moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	William J. Sample
Bernard J. Bonn	Dr. J. E. Johnson	Clay Shackleford
Eugene H. Clark	Bert Kiser	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	C. W. A. McCann	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	Richard P. Moloney	John M. Williams
James P. Hanratty	Jack R. Reynolds	E. V. Withers

—27

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At this time the President Pro Tem vacated the chair, which was resumed by the Honorable Emerson Beauchamp, President of the Senate.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 146. AN ACT relating to appointment of members of the board of trustees of the University of Kentucky.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Freeman Robinson
Bernard J. Bonn	Stanley Hoffman	William J. Sample
Eugene H. Clark	Dr. J. E. Johnson	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	C. W. A. McCann	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warinner
Julian Golden	O. W. Montgomery	John M. Williams
James P. Hanratty	Jack R. Reynolds	E. V. Withers

—33

There voted in the negative—

Homer E. Losey —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 198. AN ACT amending KRS 45.280, relating to Petty Cash Funds of State Budget Units.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	James P. Hanratty	Richard P. Moloney
Bernard J. Bonn	Doug Hays	O. W. Montgomery
Eugene H. Clark	Stanley Hoffman	Jack R. Reynolds
Augustus Cornett	Dr. J. E. Johnson	Freeman Robinson
Louis Cox	Alvin Kidwell	William J. Sample
Archie Craft	Bert Kiser	Clay Shackleford
Martin J. Duffy	C. W. A. McCann	Cortis K. Stacy
Ernest M. Ford	James R. Mansfield	Paul Stapleton
Julian Golden	Earl F. Martin	Otis C. Thomas

Wendell Van Hoose	Ed P. Warinner	E. V. Withers
Sylvester Wagner	John M. Williams	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 224. AN ACT relating to child labor.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Martin J. Duffy	Stanley Hoffman
Bernard J. Bonn	Ernest M. Ford	Dr. J. E. Johnson
Eugene H. Clark	Wayne Freeman	Bert Kiser
Augustus Cornett	Julian Golden	C. W. A. McCann
Louis Cox	James P. Hanratty	James R. Mansfield
Archie Craft	Doug Hays	Earl F. Martin

Richard P. Moloney	Freeman Robinson	Leon Shaikun
O. W. Montgomery	William J. Sample	Wendell Van Hoose
Jack R. Reynolds	Clay Shackleford	E. V. Withers

—27

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 231. AN ACT relating to the selection and adoption of textbooks for use in public schools.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Louis Cox	Wayne Freeman
Bernard J. Bonn	Archie Craft	Julian Golden
Eugene H. Clark	Martin J. Duffy	James P. Hanratty
Augustus Cornett	Ernest M. Ford	Doug Hays

Stanley Hoffman	Earl F. Martin	Paul Stapleton
Dr. J. E. Johnson	Richard P. Moloney	Otis C. Thomas
Alvin Kidwell	O. W. Montgomery	Wendell Van Hoose
Bert Kiser	Freeman Robinson	Sylvester Wagner
James Lassiter	William J. Sample	Ed P. Warinner
Homer E. Losey	Clay Shackleford	John M. Williams
C. W. A. McCann	Leon Shaikun	E. V. Withers
James R. Mansfield	Cortis K. Stacy	—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 230. AN ACT relating to the use of certain funds for the acquisition of space for the Division of Unemployment Insurance and the Department of Economic Security; amending KRS 341.245.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	Clay Shackleford
Bernard J. Bonn	Bert Kiser	Leon Shaikun
Eugene H. Clark	James Lassiter	Cortis K. Stacy
Augustus Cornett	Homer E. Losey	Paul Stapleton
Louis Cox	C. W. A. McCann	Otis C. Thomas
Archie Craft	James R. Mansfield	Wendell Van Hoose
Martin J. Duffy	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warinner
Julian Golden	O. W. Montgomery	John M. Williams
James P. Hanratty	Jack R. Reynolds	E. V. Withers
Doug Hays	Freeman Robinson	
Stanley Hoffman	William J. Sample	—34

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 226. AN ACT further empowering the Commissioner of Highways to establish certain highways through fourth, fifth, and sixth class cities.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	C. W. A. McCann	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Julian Golden	Earl F. Martin	Sylvester Wagner
James P. Hanratty	Richard P. Moloney	Ed P. Warinner
Doug Hays	Jack R. Reynolds	John M. Williams
Stanley Hoffman	Freeman Robinson	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 227. AN ACT relating to the Department of Welfare, amending Section 439.100 of the Kentucky Revised Statutes.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	C. W. A. McCann	Otis C. Thomas
Ernest M. Ford	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Earl F. Martin	Sylvester Wagner
Julian Golden	Richard P. Moloney	Ed P. Warinner
Doug Hays	Jack R. Reynolds	John M. Williams
Stanley Hoffman	Freeman Robinson	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of the introduction of bills.

Said motion was agreed to.

A bill of the following title was introduced, viz:

By Senator Losey.

S. B. No. 234. AN ACT relating to property escheated to the state.

Said bill is as follows, viz;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (3) of Section 393.140 of the Kentucky Revised Statutes is amended to read as follows:

(3) The claimant shall, within fifteen days after filing any claim permitted under this section in excess of twenty-five dollars, publish notice of the claim in a newspaper of general bona fide circulation in the county in which the property was held before being transferred to the state. If there is no such newspaper, or the claim is for twenty-five dollars or less, the claimant shall post at the courthouse door in that county, and shall file proof of publication or posted notice with the department. No such claim shall be allowed until fifteen days after proof of the notice is received by the department at its offices in Frankfort.

A bill of the following title was introduced, viz:

By Senator Losey.

S. B. No. 235. AN ACT relating to the licensing of paint sprayers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall operate any paint spraying equipment to paint any property other than his own unless he has procured a license authorizing him to engage in the business of paint spraying.

Section 2. County courts shall have exclusive jurisdiction to grant the paint sprayers' licenses authorized herein. Before any such license shall be granted, the applicant shall prove in open court, by at least two credible witnesses, that he is a person of good moral character. That fact together with the name, age, permanent address, weight, height, color of hair and eyes of the applicant shall be entered of record; and thereupon the court shall, by its order, direct the clerk, on the payment of a license fee of fifty dollars, and a fee of fifty cents to the clerk for his

services, to issue the license and affix his official seal thereto. On the back of the license the clerk shall write the description of the person to whom the license is granted, as contained in the order, and shall attest the same.

Section 3. Before a license shall be issued to an applicant who is not a resident of this state, such applicant shall deliver to the clerk a duly executed instrument appointing the clerk of the county court the agent of the applicant upon whom legal process may be served, which summons and return thereon shall be as effective for bringing the applicant into court as if served in person, at the same time the applicant shall deliver to the clerk of the county court a good and sufficient bond in the sum of one thousand dollars with surety or sureties approved by the judge of said court, said bond running to the clerk of the county court and obligating the applicant and sureties to the effect that the applicant will satisfy all judgments against him arising out of the business conducted under the authority of the license for which application is made. Such bond shall continue in effect for twelve months after the expiration of the license.

Section 4. No paint sprayer's license shall give authority to more than one person to engage in business under it. All employes or agents shall procure separate licenses.

Section 5. Nothing in this Act shall be construed as prohibiting or in any way limiting or interfering with the right of any city to regulate or license the business of paint spraying, but the requirements of this Act shall be in addition thereto.

Section 6. All license fees collected under this Act shall be paid into the State Treasury and credited to the General Expenditure Fund for general state purposes. All license and other forms necessary for the administration of this Act shall be furnished by the Department of Finance.

Section 7. All peace officers, county judges, and county attorneys shall have the right to inspect the licenses of all persons engaging in the business of paint spraying.

Section 8. All licenses shall be effective for one year from the date of their issuance.

Section 9. Any person guilty of violating Section 1 of this Act shall be fined not less than ten dollars nor more than one hundred dollars.

The Senate then took up from the Orders of the Day bills and a resolution of the following titles, viz:

S. B. No. 50. AN ACT relating to the licensing, inspection, and regulation of hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick. (With House Amendment)

H. B. No. 115. AN ACT relating to compensation and maintenance of persons performing public services in positions requiring the services of a physician.

S. Res. No. 12. A RESOLUTION concerning Fair Trade Laws.

S. B. No. 96. AN ACT relating to Public Police Officers.

S. B. No. 123. AN ACT relating to deadly weapons.

H. B. No. 216. AN ACT relating to alleged mental incompetents.

S. B. No. 145. AN ACT relating to crimes and punishments.

H. B. No. 271. AN ACT relating to the taxation of special fuels.

H. B. No. 58. AN ACT relating to zoning and planning in cities of the second class and in counties containing such a city.

H. B. No. 4. AN ACT changing the Classification of the City of Elsmere, in Kenton County.

H. B. No. 15. AN ACT changing the classification of the City of Worthington, in Greenup County.

H. B. No. 169. AN ACT concerning annexation of territory to cities of the third class.

H. B. No. 42. AN ACT relating to the reappraisal of property for ad valorem taxes in cities, counties and other taxing districts.

H. B. No. 204. AN ACT relating to the acquisition of industrial buildings and equipment by cities, amending section 103.200 of the Kentucky Revised Statutes.

H. B. No. 223. AN ACT to further regulate motor trucks, semi-trailer trucks, and trailers, clarifying and enlarging the powers of the Commissioner of Highways and the County judges relating thereto, and amending KRS 189.280. (With Committee Amendment)

H. B. No. 132. AN ACT relating to survival of actions, amending section 411.140 of the Kentucky Revised Statutes.

H. B. No. 82. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

H. B. No. 116. AN ACT relating to terms of court in the Twenty-Fourth Judicial District.

H. B. No. 139. AN ACT concerning stockyards.

H. B. No. 149. AN ACT to amend Sections 247.250, 247.280, 247.330, 247.340, 247.350, 247.370 of the Kentucky Revised Statutes relating to county farm bureaus and a state federation of county farm bureaus.

H. B. No. 173. AN ACT concerning the development and promotion of the sheep industry in Kentucky.

H. B. No. 14. AN ACT relating to elections, both regular and primary, with particular relation to the hours the polls are to be open, and the hour the Board of Election Commissioners shall meet for the purpose of counting the ballots.

Senator Moloney moved that further consideration of said bills be deferred and same be allowed to retain their places in the Orders of the Day.

Said motion was agreed to.

Senator Moloney moved that the Senate do now adjourn until 1 P.M., Wednesday, February 27, 1952.

Said motion was agreed to.

And then the Senate Adjourned.

WEDNESDAY, FEBRUARY 27, 1952

The Senate convened and was called to order by the President of the Senate, Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend W. P. Wilhoyte of the Nazarene Church, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Alvin Kidwell	William J. Sample
Louis Cox	Bert Kiser	Clay Shackleford
Archie Craft	James Lassiter	Cortis K. Stacy
Martin J. Duffy	Homer E. Losey	Paul Stapleton
Ernest M. Ford	C. W. A. McCann	Otis C. Thomas
Wayne Freeman	James R. Mansfield	Wendell Van Hoose
Julian Golden	Earl F. Martin	Sylvester Wagner
James P. Hanratty	Strother Melton	Ed P. Warinner
Doug Hays	Richard P. Moloney	John M. Williams
Thomas Hines	O. W. Montgomery	E. V. Withers
Stanley Hoffman	Jack R. Reynolds	
Dr. J. E. Johnson	Freeman Robinson	—34

The following Senators were absent—

Bernard J. Bonn	Augustus Cornett	Leon Shaikun
Eugene H. Clark		—4

Senator Stapleton moved that the reading of the Journal of the Senate of the proceedings for Tuesday, February 26, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed a resolution and bills which originated in that body of the following titles, viz:

H. RES. No. 44. A RESOLUTION commending the activities of the Industrial Development Committee of the Kentucky Chamber of Commerce.

Said resolution is as follows, viz:

A RESOLUTION commending the activities of the Industrial Development Committee of the Kentucky Chamber of Commerce.

WHEREAS, there exists and is functioning in the Kentucky Chamber of Commerce a committee known as the Industrial Development Committee; and

WHEREAS, the said Industrial Development Committee was established for the purpose of promoting the economic improvement of the cities and counties of the Commonwealth of Kentucky; and

WHEREAS, new and expanded industry of a value in excess of one billion dollars was announced for construction in Kentucky during the year 1951; and

WHEREAS, the establishment of new industries and expansion of existing major manufacturing plants will provide approximately 27,000 additional jobs and an additional annual payroll in excess of $80,000,000 in Kentucky; and

WHEREAS, the activities of the said Industrial Development Committee have in large measure contributed to industrial expansion in Kentucky; now therefore.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Industrial Development Committee of the Kentucky Chamber of Commerce be commended for its activities in the interest of promoting economic improvement in the cities and counties of this Commonwealth and that this Resolution should serve as an expression of the gratitude of the General Assembly of the Commonwealth of Kentucky for the resulting industrial expansion attributable to the activities of said Industrial Development Committee.

H. B. No. 137. AN ACT relating to the practice of medicine and osteopathy.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act:

(1) "Board" means the State Board of Health.

(2) "President" means the President of the State Board of Health.

(3) "Secretary" means the Secretary of the State Board of Health, or any assistant Secretary thereof appointed as such by the Board.

(4) "Regular license" means a license to practice medicine or osteopathy at any place in this state.

(5) "Limited license" means a license to practice medicine for a limited time, place and purpose.

(6) "Temporary permit" means a permit issued to a person who has applied for a regular license, and who appears to the Secretary to be qualified and eligible therefor.

(7) Except as provided in subsection (8) of this section, the "practice of medicine or osteopathy" means the diagnosis, treatment or correction of any and all human conditions, ailments, diseases, injuries or infirmities by any means, methods, devices or instrumentalities.

(8) The "practice of medicine" does not include the practice of Christian Science, the practice of chiropody as defined in KRS 311.380, the practice of dentistry as defined in KRS 313.010, the practice of optometry as defined in KRS 320.010, the practice of chiropractic as defined in KRS 312.010(2), the practice of nursing as defined in KRS 314.010, the practice of pharmacy by persons licensed and registered under KRS 315.050, the sale of drugs, nostrums, patented or proprietary medicines, trusses, supports, spectacles, eyeglasses, lenses, instruments, apparatus, or mechanisms that are intended, advertised or represented as being for the treatment, correction, cure or relief of any human ailment, disease, injury, infirmity or condition, in regular mercantile establishments, or the practice of midwifery by women; provided, however, that this Act shall

not be construed as repealing the authority conferred on the Department of Health and its Division of Child Hygiene by KRS Chapter 211 to provide for the instruction, examination, licensing and registration of all midwives through county health officers.

Section 2. It is the declared policy of the General Assembly of Kentucky that the practice of medicine and osteopathy, should be regulated and controlled as provided in this Act in order to prevent empiricism and to protect the health and safety of the public.

Section 3. (1) Except as provided in subsection (2) of this section, no person shall engage or attempt to engage in the practice of medicine or osteopathy within this state, or open, maintain or occupy an office or place of business within this state for engaging in the practice of medicine or osteopathy, or in any manner announce or express a readiness to engage in the practice of medicine or osteopathy within this state, unless he holds a valid and effective license or permit issued by the board as hereinafter provided.

(2) The provisions of subsection (1) of this section shall not apply to:

(a) Commissioned medical officers of the armed forces of the United States, or medical officers of the United States Public Health Service, the United States Veterans Administration and other agencies of the government of the United States of America, while said persons are engaged in the performance, within this state, of their official duties under federal laws.

(b) Persons, who being non-residents of Kentucky and lawfully licensed to practice medicine or osteopathy in their states of actual residence, infrequently engage in the practice of medicine or osteopathy within this state, when called to see or attend particular patients, without opening, maintaining or occupying an office or place of business within this state.

(c) Graduates of medical or osteopathic schools approved by the board, while engaged in performing supervised internship training approved by the board at hospitals in this State; provided, however, that this shall not be construed to otherwise

exempt internes, or to exempt in any manner resident or staff physicians of hospitals, from the licensure requirements of this Act.

Section 5. (1) Subject to the provisions of this Act, the board shall exercise all of the administrative functions of the state in the prevention of empiricism and in the regulation of the practice of medicine and osteopathy. The board is authorized to issue reasonable rules and regulations establishing requirements, standards and tests to determine the moral, physical, intellectual, educational, scientific, technical and professional qualifications of applicants for licenses and permits to practice medicine and osteopathy, and to issue, deny, suspend and revoke licenses, and to place licensees on probation, in compliance with the provisions of this Act, so as to carry out the legislative policy declared in section 2 of this Act.

(2) The board is authorized in its sound discretion to:

(a) Appoint one or more assistant secretaries, who need not be members of the board, and fix their compensation. Each assistant secretary shall be under the supervision and control of the secretary and shall be authorized to discharge the duties of the secretary as provided by this Act.

(b) Appoint one or more hearing officers, who need not be members of the board, and fix their compensation. Every such hearing officer shall be vested with the full and complete power and authority of the board to schedule and conduct hearings on behalf of and in the name of the board on all matters referred for hearing by the board or secretary thereof, including, among other things, proceedings for placing licensees on probation and for suspension and revocation of licenses, and shall cause to be prepared and furnished to the board, for decision thereon by the board, a complete written transcript of the record of the hearing which shall contain all evidence introduced at the hearing and all pleas, motions and objections and all rulings of the hearing officer. Every such hearing officer shall be authorized to administer oaths and issue summonses, notices and subpoenas, but shall not be empowered to place any licensee on probation or to issue, refuse, suspend or revoke any license.

(c) Promulgate, in the manner prescribed by subsection (4) of section 12, a code of conduct governing the practice of medicine and osteopathy, which shall be based upon generally recognized principles of professional ethical conduct.

(d) Utilize gratuitous services and facilities of professional organizations, and procure and receive the assistance and recommendations of said organizations in administering this Act.

(e) Make its personnel and facilities available to other regulatory boards, commissions and agencies of this state upon such terms and conditions for reimbursement as may be mutually agreed to by and between the board and such other board, commission or agency.

(f) Enter into reciprocal agreements with medical examining boards of other states, having qualifications and standards at least as high as those of this state, providing for reciprocal licensure without further examination of persons who have been duly licensed upon written examination. Approval of such agreements by the Governor, or any other officer or agency of this state, shall not be required.

(g) Issue regular licenses by reciprocity or endorsement, and without further examination, to persons who have been duly licensed upon written examination in another state having qualifications and standards at least as high as those of this state, or who have successfully passed an examination conducted by the National Board of Medical Examiners.

(h) Issue and renew, or refuse to issue or renew, or cancel and terminate limited licenses pursuant to rules and regulations prescribed by the board.

(i) Appoint examiners, who need not be members of the board, and employ or contract with the American Public Health Association or the National Board of Medical Examiners or other organizations, agencies or individuals to prepare examination questions and grade examination papers.

(j) Determine the schools, colleges, universities, institutions, and training acceptable in connection with licensure under this Act.

(k) Prescribe the time, place, method, manner, scope and subjects of examinations; provided, however, that at least two examinations shall be held annually.

(l) Prescribe all forms which it considers appropriate, and require the submission of photographs, fingerprints, and personal history data.

(m) Prescribe and collect, subject to the maximums set out herein, reasonable fees and charges for examinations and issuance of licenses and permits. The maximum fees and charges shall be as follows:

Admission to any complete examination, including regular or limited license issued pursuant thereto	$ 50.00
Application for licensure by reciprocity or endorsement	100.00
Certifying a licentiate of this state to the licensing agency of another state	10.00
Each renewal of a limited license	50.00
Temporary permit issued by secretary	25.00
Duplicate license certificate	10.00

Section 6. (1) No person shall be eligible for a regular license under this Act, unless (a) at least twenty-one years of age, (b) of good moral character, (c) a citizen of the United States of America, (d) graduated from an accredited high school or its equivalent and satisfactorily completed and graduated from a four year course of instruction in a medical or osteopathic school or college situated in the United States or Canada and approved by the board during the entire period of attendance thereat, (e) satisfactorily completed at least one year internship in an institution approved by the board, and (f) possessing all of the other qualifications that may be prescribed by rules and regulations of the board. Provided, however, that the foregoing shall not be construed to prohibit the board from issuing a regular license to persons who have attended medical or osteopathic schools or colleges situated outside the United States or Canada if such schools or colleges are approved by the board and if the applicant has successfully completed at least five years training in the United States in a hospital or other institution approved

by the board and has also successfully passed a regular examination conducted by the National Board of Medical Examiners.

(2) Subject to the exceptions set out herein, no person who possesses the qualifications set out in (a), (b) and (c) of subsection (1), and who has been graduated from an accredited high school, has satisfactorily completed a premedical course of instruction of at least two years in an accredited college or university, has satisfactorily completed and been graduated from a four year course of instruction in a medical or osteopathic school or college situated in the United States or Canada and approved by the American Medical Association or the American Osteopathic Association during the entire period of attendance thereat, and who has completed an internship of one year in a hospital approved for such training by the same associations, shall be denied admission to the examination in this state for a regular license, upon payment of the prescribed fee. However, the board may deny admission to the examination or refuse to issue a license upon successful passage of the examination upon proof that a person: (a) has been convicted for violating any state or federal narcotic or barbiturate law, (b) has had his license suspended or revoked in some other state, (c) has been convicted of a felony, (d) is emotionally unstable, (e) has been adjudged to be of unsound mind, (f) has violated section 9 of this Act, or (g) has engaged in any acts or conduct that would constitute grounds for suspension or revocation of a license under this Act.

(3) No person shall be eligible for a limited license unless (a) at least twenty-one years of age, (b) of good moral character, (c) a citizen of the United States, or has filed with a United States District Court "first papers" for United States citizenship, (d) actually residing in Kentucky at the time of making application or expressing in writing an intention to become an actual resident of this state after issuance of the limited license, (e) has been graduated from an accredited high school or its equivalent and completed a premedical course of instruction of at least two years in an accredited college or university and has satisfactorily completed and been graduated from a four (4) year course of instruction in a medical school approved by the board for limited licenses, and (f) possesses all the other

qualifications and education that may be prescribed by rules and regulations of the board.

(4) Except as provided by subsection (2) (g) of section 5, no license shall be issued except upon the successful passage of an examination as prescribed by the board. All applicants for a regular license must take the same general examination, and in addition, osteopathic applicants shall take an examination in osteopathic principles and practice.

(5) No person shall be deemed to have successfully passed an examination in this state unless he makes an average grade of at least seventy-five in all subjects prescribed by the board, and a grade of at least sixty-five in each subject.

(6) All examination papers shall be preserved for one year.

(7) No license shall be issued, refused, suspended or revoked by the board, nor shall any licensee be placed on probation, except in compliance with this Act and the rules and regulations promulgated thereunder by the board and filed with the Secretary of State of this Commonwealth pursuant to KRS Chapter 13.

Section 7. (1) Whenever, in the opinion of the secretary, an applicant for a regular license to practice medicine or osteopathy is eligible therefor under subsection (1) of section 6, the secretary may issue to such applicant, on behalf of the board, a temporary permit which shall entitle the holder to practice medicine or osteopathy in this state for a period of six months from date of issuance thereof unless the temporary permit is sooner cancelled by the secretary, who may cancel it at any time, without a hearing, for reasons deemed sufficient to him, and who shall cancel it immediately upon direction by the board or upon the board's denial of the holder's application for a regular license.

(2) The secretary shall present to the board the application for a regular license made by the holder of the temporary permit. In the event the board issues a regular license to the holder of a temporary permit, the fee paid in connection with any temporary permit then in effect shall be applied upon the prescribed license fee.

(3) When the secretary cancels a temporary permit, he shall promptly notify, by registered United States mail, the county court clerk of each county in which the temporary permit is registered, and also the holder of the temporary permit, at his last known address as reflected by the files of the board, and the temporary permit shall become terminated and of no further force and effect three days after the giving of said notice to the holder.

Section 8. (1) Every certificate of regular license, limited license, and temporary permit shall be in such form as is approved by the board or by the secretary thereof; provided, however, that each certificate shall be signed by the secretary and shall contain the date of issuance, the name of the person to whom issued and whether the holder is authorized to practice medicine or osteopathy.

(2) Limited license certificates, whether originals or renewals, shall expressly state the period therefor, which shall not be in excess of one year, and shall expressly state the nature and place of work authorized thereunder.

(3) Temporary permits shall expressly state the date of issuance, that they shall be for a period of not more than six months from date of issuance, and that they are subject to cancellation as provided by section 7.

Section 9. (1) No person who is required to be licensed by the board under the provisions of this Act, shall engage or attempt to engage in the practice of medicine or osteopathy as defined by this Act unless and until he exhibits to and causes to be registered by the county court clerk of the county of this state in which he resides, if a resident of Kentucky, and of each county in which he regularly engages in practice, a license certificate issued by the board, or temporary permit certificate issued by the secretary, and an affidavit setting out his name, age, place of birth, residence, location of office or place of business, and that he is the person named in said license or permit.

(2) The county clerk of each county shall provide a book of suitable size to be known as the "Medical Register" of the county, one full page of which shall be set aside for the registration of each person required to be registered by subsection (1)

of this section, and shall register therein the license or permit of such person issued by the board or by the secretary, and shall maintain in said book the affidavits referred to in subsection (1) of this section. The county court clerk shall receive from each person presenting a license or permit for registration a fee of one dollar which shall constitute his entire compensation for duties rendered pursuant to this Act.

Section 10. (1) No person shall make any statement or submit any document, paper or thing to the board, or to its secretary, or to any county court clerk, relating in any manner to issuance, registration, suspension or revocation of any license or permit, knowing same to be false, forged or fraudulent.

(2) No person shall engage in fraud, deceit, collusion or conspiracy in connection with any examination conducted by the board.

(3) No person shall make or issue any false or counterfeit certificate that purports to have been issued by the board, or by its secretary, or forge the signature of any person thereon, or alter any such certificate that has been issued by the board or by its secretary.

Section 11. (1) Where such power has not been transferred by statute to some other board, commission or agency of this state, the board may place a licensee on probation for a period not to exceed two years, or may suspend a license for a period not to exceed two years, or may revoke any license heretofore or hereafter issued by the board, upon proof that the licensee has:

(a) Knowingly made or presented, or caused to be made or presented, any false, fraudulent or forged statement, writing, certificate, diploma or other thing, in connection with an application for a license or permit.

(b) Practiced, or aided or abetted in the practice of, fraud, forgery, deception, collusion or conspiracy in connection with an examination for a license.

(c) Committed an unlawful abortion.

(d) Been convicted of a felony involving moral turpitude.

(e) Become addicted to a drug habit.

(f) Become a chronic or persistent alcoholic.

(g) Developed such physical or mental disability, or other condition, that continued practice is dangerous to patients or to the public.

(h) Engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(i) Knowingly made, or caused to be made, or aided or abetted in the making of, a false statement in any birth, death, premarital, or other certificate or document executed in connection with the practice of his profession.

(j) Employed, as a practitioner of medicine or osteopathy, in the practice of his profession in this state, any person not duly licensed; or otherwise aided, assisted or abetted the unlawful practice of medicine or osteopathy or any other healing art.

(k) Violated the code of conduct promulgated by the board under subsection (4) of section 12 of this Act.

(l) Violated any order of suspension, or the terms or conditions of any order of probation, issued by the board.

(2) In every proceeding for probation, suspension or revocation of a license, the secretary shall furnish the licensee with written notice setting out the substance of each offense charged, with sufficient detail to reasonably apprise such person of the nature, time and place thereof. Proceedings and forms shall be in accordance with rules and regulations of the board, and hearings may be conducted by hearing officers of the board as provided in subsection (2) (b) of section 5, but no hearing shall be conducted until at least thirty days written notice thereof has been given to the holder of the license, who shall have the right to be present, in person or by counsel, and to present evidence and to be heard in opposition to the charges which may be instituted by any individual, or organization, or by the board acting upon its own initiative or by the secretary on behalf of the board. Preliminary to the institution of any such proceeding, the secretary may refer the charge or charges to the state or-

ganization which represents the profession to which the holder of the license belongs, for investigation and recommendations as to adjustment, settlement or disciplinary action, and such professional organization may assist in the prosecution or defense of any such proceedings before the board, which shall not be bound to follow its recommendations.

(3) Except as otherwise provided in this subsection, every order of the board suspending or revoking a license shall become effective thirty days after notice is given to the licensee, unless said licensee, within thirty days from the giving of such notice, appeals therefrom in the manner provided by subsection (4) of this section. Provided, however, that the board may, when in its opinion the continued practice by the licensee during the time allowed for appeal would be dangerous to the health, welfare and safety of the licensee's patients or the general public, provide in its order of suspension or revocation that said order shall become effective forthwith; in such event the board order of suspension or revocation shall become effective as of the date specified therein, and the licensee shall not, after notice of same, engage or continue to engage in any practice under the license after such revocation or during such period of suspension, unless and until the board order is reversed or modified by a final and unappealable order or judgment of a court made pursuant to the provisions of subsection (4) of this section.

(4) Any licensee who is aggrieved by an order of the board placing the licensee on probation, or suspending or revoking his license may procure a declaration of rights under the Declaratory Judgment Act by filing, within thirty days after notice of said board order, a petition in equity against the board in the circuit court of Jefferson County, Kentucky, together with a bond with good and sufficient sureties thereon to cover all costs, which petition shall request judicial review of the board order and proceedings held by the board, or its hearing officer, and set out with particularity the alleged grounds relied upon for reversal or modification of the board order. Summons and a copy of the petition may be served upon the secretary for and on behalf of the board, and the secretary shall, within thirty days after such service and the filing of said bond, file with the court a transcript of the record of hearing together with a cer-

tified copy of the board order complained of. The board may file an answer, or such other pleadings as it considers appropriate, and the court shall, after considering the transcript of record and the board order and any arguments of counsel, enter judgment. No new or additional evidence shall be introduced in the circuit court. In the event the action of the board is not sustained the court shall, upon request of the board, remand the case to the board for further proceedings. Any party aggrieved by the final judgment, order or decree rendered in the case by the Jefferson Circuit Court may appeal therefrom to the Court of Appeals of Kentucky in the time, method and manner provided in the Declaratory Judgment Act and the Court of Appeals shall docket and advance the appeal as provided in said Declaratory Judgment Act.

(5) Whenever an order of the board suspending or revoking a license becomes effective, as provided in subsection (3) of this section, the secretary shall, on behalf of the board, give written notice thereof to the county court clerk of each county in which the license is registered and such clerk shall thereupon mark, on the page of the Medical Register where the license is registered, that it has been suspended, for the period indicated, or revoked, in accordance with the notice. In the event the license is subsequently reinstated by the board, or in the event the board's order of suspension or revocation is subsequently reversed or modified by a final and unappealable judgment of court made pursuant to the provisions of subsection (4) of this section, the secretary shall, on behalf of the board, so notify such county court clerk who shall thereupon mark the Medical Register accordingly.

(6) Any notice that is required to be given to a licensee by the board, or by its secretary or hearing officer, which is given by forwarding same by registered United States mail, postage prepaid, to the licensee at his last known address as it appears in the files of the board or the Department of Health shall be sufficient.

(7) All members of the board, and its secretary and hearing officer, have authority to administer oaths, and to issue, in the name of the board, complaints, notices, summonses, sub-

poenas, and other process, in connection with any charge, proceeding or hearing relating to probation, suspension or revocation.

(8) The board may compel the attendance of witnesses at hearings in connection with probation, suspension or revocation proceedings, and circuit and county courts are, upon petition of the board or its hearing officer, authorized and empowered to punish as contempt all failures to obey subpoenas and other process provided in subsection (7) of this section and all contemptuous or contumacious conduct directed to the board or its hearing officer in the course of hearings relating to probation, suspension or revocation.

Section 12. (1) Within one hundred and twenty days after this Act becomes effective, the board shall adopt, and file with the Secretary of State of this Commonwealth pursuant to KRS Chapter 13, rules and regulations that effectuate and implement, but are not inconsistent with, the provisions of this Act. The rules and regulations shall cover, among other things, the qualifications, standards, fees, examinations, schools, forms, and procedures prescribed by the board in connection with examination and licensure in this state, and the forms and procedures prescribed by the board in connection with probation, suspension and revocation, and also a code of conduct prescribed by the board.

(2) Thereafter, the board shall file with the Secretary of State of this Commonwealth, pursuant to KRS Chapter 13, any and all amendments, changes and modifications to its rules and regulations, and any and all other rules and regulations, within thirty days after such amendments, changes or modifications are adopted by the board.

(3) At least once every two years the board shall compile the Kentucky medical practice laws, and all rules and regulations promulgated by the board thereunder, and cause copies thereof to be furnished to licensing agencies of all other states and to all medical schools in the United States or Canada approved by the American Medical Association, and to all osteopathic schools in the United States and Canada approved by the American Osteopathic Association, and to all persons who

are licensed to practice medicine or osteopathy in Kentucky. Copies of the compilation shall be available to the general public upon request.

(4) The board shall, prior to promulgating a code of conduct, or any amendment, change or modification thereto, notify all licensees in writing of the proposed action and hold a hearing or hearings thereon at the offices of the board in Louisville, Jefferson County, Kentucky. Upon the filing with the Secretary of State of this Commonwealth, of any code of conduct, or amendment, change or modification thereto, the board shall notify in writing all licensees as to the date of adoption and filing of same. Any licensee who is aggrieved thereby may, within thirty days from the filing of same with the Secretary of State as provided herein, procure a declaration of rights by filing, under the Declaratory Judgment Act, a petition in equity against the board in the circuit court of Jefferson County, Kentucky, and, upon his failure to do so, he shall thereafter be forever barred from instituting or maintaining an action attacking or questioning the validity of the code. Any party to such case who is aggrieved by the final judgment, order or decree of the Jefferson Circuit Court may appeal therefrom to the Court of Appeals of Kentucky in the time, method and manner provided by the Declaratory Judgment Act and the Court of Appeals shall docket and advance the appeal as provided in said Declaratory Judgment Act. No person shall be heard to complain concerning any provision of the code of conduct that was in force and effect at the time he was licensed in this state. Any notice required by this subsection to be given by the board may be effected by publication of same in a newspaper of general circulation in this state or by publication in any official periodical issued and circulated in this state by the Kentucky State Medical Association and the Kentucky Osteopathic Medical Association.

Section 13. (1) County and Commonwealth's attorneys and the Attorney General, within their respective jurisdictions, shall prosecute all violations of the penal provisions of this Act and shall, when requested by the board, represent the board and local health units in matters relating to the enforcement of this Act.

(2) The board may employ attorneys, inspectors, investigators, and other personnel and may pay reasonable compensation therefor. The board may utilize the services of all attorneys, inspectors, investigators and other employees and facilities of the Department of Health.

(3) The judge of each circuit court shall specially charge each grand jury empaneled in his court with reference to the penal provisions of this Act.

(4) Every county board of health shall, at such times as are fixed by the board, report to the board the name and address of each person believed to be engaged in the practice of medicine or osteopathy, as defined by this act, within their respective jurisdictions. The county boards of health shall also report to the board and to the county and Commonwealth's attorneys of their respective counties all violations of this Act and shall assist in the enforcement thereof.

(5) For the purpose of enforcing the provisions of this Act, the investigators, inspectors, representatives and agents of the board and the Department of Health shall have the full power and authority of peace officers in this state, and shall have the power and authority to administer oaths, to enter upon premises at all times for the purpose of making inspections, to seize evidence, to interrogate all persons, and to require the production of books, papers, documents or other evidence.

(6) The board may institute, in its own name, proceedings to temporarily or permanently restrain and enjoin violations of this Act, regardless of whether the defendant has been convicted for violation of the penal provisions thereof, and shall not be required to pay any costs or filing fees or furnish any bond in connection therewith. Violation of injunctions and restraining orders shall be punished as a contempt without the intervention of a jury.

Section 14. All fees collected by the Board under the provisions of this Act, or the rules and regulations adopted pursuant thereto, shall be paid into the State Treasury and credited to a trust and agency fund to be used by the board in defraying the costs and expenses of the board in the administration of this Act, including, but not limited to, salaries and necessary travel ex-

penses. No part of this fund shall revert to the general funds of this Commonwealth.

Section 15. (1) All licenses heretofore issued by the board for the practice of medicine or osteopathy, or any limited school or system, are hereby declared to be valid and in full force and effect unless they have become expired, cancelled, suspended or revoked in accordance with law.

(2) Nothing in this Act shall be construed as hereafter conferring upon the board any authority to issue, suspend or revoke any license for the practice of dentistry, optometry, chiropractic, nursing or pharmacy.

Section 16. This Act may be cited as the "Kentucky Medical and Osteopathic Practice Act of 1952."

Section 17. (1) Each first violation of section 3 shall be punishable by a fine of not less than two hundred and fifty nor more than five thousand dollars or by imprisonment for not less than one month nor more than twelve months, or both. Each subsequent violation of section 3 shall constitute a felony and be punishable by a fine of not less than one thousand nor more than ten thousand dollars or by imprisonment in a penitentiary for not less than one nor more than three years, or both.

(2) Each violation of subsection (1) of section 9 shall constitute a misdemeanor and be punishable by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment of not more than thirty days, or both, and each day shall constitute a separate offense.

(3) Each violation of section 10 shall constitute a felony and shall be punishable by a fine of not less than one thousand nor more than ten thousand dollars or by imprisonment in a penitentiary for not less than one nor more than three years. Conviction, under this subsection, of a holder of a license or permit, shall result automatically in permanent revocation of such license or permit.

(4) Conviction of willfully resisting, preventing, impeding, obstructing, threatening or interfering with the board or any of

its members, or of any officer, agent, inspector or investigator of the board or the Department of Health, in the administration of any of the provisions of this Act, shall be punishable by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or both.

Section 18. Sections 311.010 to 311.130, inclusive, and Sections 311.270 to 311.290, inclusive, and subsections (1), (4) and (5), inclusive, of Section 311.990 of the Kentucky Revised Statutes are repealed.

H. B. No. 212. AN ACT relating to rabies control, livestock and dog protection.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. For the purposes of this Act, the following terms shall have the following meanings:

(1) "Livestock" shall include horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burrors, goats, kids, swine, and confined and domesticated hares and rabbits.

(2) "Poultry" shall include all domesticated fowl and all game birds which are legally kept in captivity.

(3) "Persons" shall include state and local officers, employes, individuals, corporations, co-partnerships and associations.

(4) "Owner," when applied to the proprietorship of a dog, shall include every person having right of property in such dog, and every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain on or about any premises owned or occupied by him.

(5) "Kennel" shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray therefrom.

(6) "Police Officer" shall mean any person employed or elected by this Commonwealth, or by any municipality, county, or district, whose duty it is to preserve peace or to make arrests or to enforce the law. The term includes State Police, game, fish and forest wardens, sheriffs, deputy sheriffs, constables, policemen and all other police or peace officers for any officer or employe of the Agriculture Department, and "Sheriff" shall include deputy sheriffs.

(7) "Agriculture Department" means the Department of Agriculture, Labor and Statistics.

(8) "Agriculture Commissioner" means the Commissioner of Agriculture, Labor and Statistics.

(9) "Board of Agriculture" means the State Board of Agriculture.

(10) "Health Department" means the Department of Health.

(11) "Health Commissioner" means the Commissioner of Health.

(12) "Committee" means the Joint Advisory Committee established pursuant to this Act and empowered by provisions of this Act, and the provisions of any subsequent acts, to coordinate the enforcement of this Act.

(13) "Livestock Fund" means the fund established pursuant to this Act and shall include all receipts received through the Agriculture Department under the terms of this Act and in addition thereto, any appropriations made by the terms of this Act and by the terms of any subsequent Acts.

(14) "License" shall mean the dog or kennel license established and issued pursuant to provisions of this Act.

(15) "Vaccination Certificate" shall mean the official certificate of antirabies vaccination established and issued pursuant to the provisions of this Act.

(16) "Vaccinate" shall mean the subcutaneous or intramuscular injection of antirabies vaccine in doses recommended by the International Committee on Rabies or according to such

standards as may be prescribed by the Kentucky State Board of Agriculture.

(17) "Vaccine" shall mean the antirabies canine vaccine produced in a laboratory duly licensed with the Kentucky State Board of Agriculture.

(18) "Veterinarian" shall mean a practitioner of veterinary medicine who is duly licensed and accredited in the Commonwealth of Kentucky.

Section 2. As soon as possible after July 1, 1952, the owner of any dog six months old or over shall have such dog vaccinated according to the provisions of this Act.

Section 3. On or before July 1, 1952, and on or before July 1 of each year thereafter, the owner of any dog six months old or over shall apply to the sheriff of the county in which he resides for a license for each such dog owned or kept by him. Such application shall be accompanied by a license fee of $1.50 for each dog. Any license issued for the year 1952 before July 1, 1952, will be effective until July 1, 1953. The sheriffs of the counties shall be agents of the Commonwealth in the collection of the license fees provided for herein, unless and until the Agriculture Department shall determine, with the approval of the Governor, to issue all licenses directly; and for services rendered in collecting and paying over the same, such sheriffs shall be allowed to retain the sum of 25c for each license. The balance of the license fee collected shall be paid to the Agriculture Department on or before the 15th day of each next succeeding month and shall be paid into the State Treasury by the Agriculture Department and credited to the Livestock Fund.

Section 4. A dog license bearing a serial number and such other information as will properly identify the dog shall be issued on a form prescribed and supplied by the Agriculture Department and shall be void on January 1 of the following year. Upon issuance of the license, the owner shall be furnished a tag prescribed and supplied by the Agriculture Department bearing a serial number corresponding with the serial number of the license. If a license or tag is lost, duplicates shall be issued.

Section 5. (1) The tag provided for in Section 4 of this

Act shall be affixed to a substantial collar furnished by the owner which shall be kept on the dog at all times, and only the owner or his authorized agent shall remove the collar with attached tag from any dog.

(2) No license or tag issued for one dog shall be transferrable to another dog except as provided in Section 8 of this Act.

(3) Any dog not bearing a tag shall prima facie be deemed to be unlicensed, and in any proceedings under this Act the burden of proof of the fact that a dog has been licensed shall be on the owner of the dog.

Section 6. Any person becoming the owner of a dog which has not already been licensed after July 1 of any year, and any owner of any dog which becomes six months old after July 1 of any year shall forthwith apply for and procure a license and tag for his dog in the same manner as the annual license is obtained.

Section 7. (1) Any person who keeps or operates a kennel may, in lieu of the license for each dog required by Section 4 of this Act, apply to the sheriff or the Agriculture Department for a kennel license entitling him to keep or operate the kennel. Such application shall be accompanied by a license fee of $10.00 for each license to keep ten dogs or less and twenty-five dollars for each license to keep more than ten dogs. Such kennel license fees shall be collected, paid to the Agriculture Department, converted into the State Treasury and credited to the Livestock Fund in the same manner as the regular dog license fees as provided in Section 3 of this Act.

(2) A kennel license shall be issued on a form prescribed and supplied by the Agriculture Department.

Section 8. (1) Upon the issuance of a kennel license, the person who keeps or operates the kennel shall be furnished a number of tags prescribed and supplied by the Agriculture Department equal to the number of dogs authorized to be kept in the kennel.

(2) The licensee of a kennel shall keep a tag attached to a

collar on each dog kept by him at all times, and such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel.

Section 9. (1) No dog authorized to be kept by a kennel licensee shall be permitted to stray or be taken anywhere outside the limits of the kennel, except temporarily and in leash, or temporarily for the purpose of hunting, breeding, trial or show.

(2) Any dog outside of the kennel in violation of subsection (1) of this section shall be considered as if never licensed.

Section 10. Each sheriff shall keep a record of all dog and kennel licenses issued and shall report to the Agriculture Department monthly his license sales on a form prescribed and supplied by the Agriculture Department. The record maintained shall be a public record.

Section 11. The county tax commissioner in each county shall annually, at the time of assessing real property, make diligent inquiry as to the number of dogs owned, harbored, or kept by a person. He shall make a complete report of his findings to the sheriff and the Agriculture Department on a form prescribed and supplied by the Agriculture Department on or before December 31 of each year.

Section 12. The Agriculture Commissioner charged with the enforcement of the provisions of this Act relating to the licensing and regulation of dogs and the protection of livestock from damage by dogs. He may employ all proper means and may enter into agreements with local agencies and organizations to aid and assist in the enforcement of the Act. The Agriculture Department shall make and promulgate such rules and regulations for the enforcement of this Act as the Agriculture Commissioner may deem reasonable and necessary. The Agriculture Department may employ such personnel as may be necessary, and persons so employed shall have all of the powers of peace or police officers with respect to the enforcement of this Act and may enter upon the premises of any person for the purpose of investigation upon displaying a badge of identification to be furnished by the Agriculture Department.

Section 13. The State Department of Health shall hold an annual clinic in each county for mass immunization. The Department of Agriculture shall assist the Board of Health in establishing said clinics. There shall be appropriated $15,000 annually to the State Department of Health for the expenses of holding said clinic.

Section 14. To achieve the coordination essential to enforcement of this Act, the responsibility for advising the Agriculture Department and the Health Department, as well as conferring approval where provided for herein, is vested in a Joint Advisory Committee. The Committee shall be composed of the Agriculture Commissioner, or his designate, the Health Commissioner, or his designate, and four members appointed by the Governor as follows: one from a list of three persons nominated by the Kentucky Veterinary Medical Association, one from a list of three persons nominated by the Kentucky Farm Bureau Federation, one from a list of three persons nominated by the Bluegrass State Sheep Association, one from a list of three persons nominated by the Kentucky Purebred Livestock Association and one from a list of three persons nominated by Kennel Clubs of Kentucky. The appointed members shall serve for a term of four years and until their successors are appointed and qualify. The committee shall elect a chairman and shall meet at such time and such place as the chairman shall designate. Four members present at any meeting shall constitute a quorum, and upon the written request of any three members the chairman shall call a meeting of the committee at the time and place requested. Committee members not already employed by the state shall be compensated at the rate of $15.00 per day for committee services rendered and shall be reimbursed for any actual expense incurred in performing committee duties.

Section 15. (1) All costs and expenses incident to the enforcement of this Act incurred by the Agriculture Department shall be paid out of the Livestock Fund; provided, however, that the total amount so paid shall not exceed $200,000 in any fiscal year except upon approval of the committee. There shall be appropriated to the Department of Agriculture $15,000 for the fiscal year 1952-53 for the purpose of initiating this Act.

Section 16. (1) There shall be held in each county of the state annually at such time and for such duration as the Board of Agriculture and State Board of Health shall prescribe, a dog vaccination clinic so that all dog owners may have a reasonable period of time during which to have their dogs vaccinated.

(2) Except as provided in subsection (3) and (4), the clinic in each county shall be conducted by veterinarians who practice veterinary medicine in the county where the clinic is held.

(3) In those counties where no veterinarian practices veterinary medicine, the Board of Agriculture shall obtain veterinarians from other counties of the state to conduct the clinic; but if none can be obtained, the Board shall designate veterinarians who are employed by the Commonwealth of Kentucky. Veterinarians who are so employed and designated shall be furnished vaccine necessary to conduct the clinic paid for out of the Livestock Fund. Travel and other actual expenses incurred in conducting the clinic shall be paid out of the Livestock Fund.

(4) The State Board of Agriculture shall asssist the Department of Health in establishing vaccination clinics in the county.

Section 17. (1) In a county where there is a practicing veterinarian the vaccination of any dog at any time other than during the vaccination clinic provided for in Section 16 of this Act shall be by a veterinarian under the supervision of the Livestock Sanitation Division.

Section 18. (1) For the vaccination of each dog pursuant to the provisions of subsection (1) of section 16, the owner thereof shall pay to the veterinarian or authorized person performing this service a fee as follows:

(a) For vaccination at a vaccination clinic the sum of $1.00; provided, however, that after one year from the effective date of this Act, the Board of Agriculture, with approval of the committee, may adjust this fee to an amount in line with charges of cost of the service performed;

(b) For vaccination other than at a vaccination clinic such amount as the veterinarian usually charges for such service.

(2) All fees for vaccination collected according to the provisions of Section 16, subsections (3) and (4), of this Act by veterinarians or authorized persons employed by the Commonwealth of Kentucky shall be paid by them to the Commissioner of Agriculture and credited to the Livestock Fund.

Section 19. The veterinarian or other authorized person who vaccinates a dog shall issue to the owner thereof a vaccination certificate on a form prescribed and supplied by the Board of Agriculture. The vaccination certificate shall be prepared and issued in triplicate; one copy to be retained and filed by the issuing veterinarian or authorized person, one copy to be retained by the owner of the dog vaccinated. No vaccination certificate shall be issued or be valid for more than one year unless and until the Board of Agriculture authorizes the use of a new vaccine which may be developed and which demonstrates its ability to confer longer immunity.

Section 20. When the incidence of rabies in dogs in any county or designated area of this state decreases sufficiently to warrant it, the Board of Agriculture, with approval of the committee, may declare the county or area free from rabies in dogs. When such a declaration has been made, the Board of Agriculture shall notify the sheriff or sheriffs concerned in writing, and, after publicizing the declaration by regulations which give adequate notice to all dog owners, may suspend the provisions of this Act which require that all dogs subject to license shall be vaccinated.

Section 21. (1) Any person may bring, or cause to be brought into the state, for a period of ninety days, one or more dogs for show, trial, or breeding purposes without securing a license, and any person holding a Kentucky nonresident hunting license may, without securing a license or licenses therefor, bring or cause to be brought into the state one or more dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law, if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Kentucky by the state of such person's residence; provided, however, that each dog is equipped with a collar bearing a name plate giving the name and address of the owner.

(2) In any proceedings under this Act the burden of proof of the fact that a dog has been imported for hunting, breeding, trial or show purposes shall be upon the owner of the dog.

Section 22. (1) It shall be the duty of every police officer to seize and detain any dog which bears a proper license tag and which is found running at large, either upon the public streets or highways of the Commonwealth, or upon the property of other than the owner of such dog, and unaccompanied by the owner or keeper. Any police officer is hereby authorized and empowered to go upon any premises and enter any building to seize and detain any dog which has been found running at large unaccompanied by the owner or keeper, when such police officer is in any immediate pursuit of any such dog. The police officer shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed, and shall cause immediate notice, either personal or by registered mail, to be given to the person in whose name the license was procured, or his agent, to claim such dog within ten days. The owner of a dog so detained shall pay all reasonable expenses incurred by reason of its detention, under the provisions of this section, before the dog is returned. If, after ten days from the giving of such notice, the dog has not been claimed, the police officer shall dispose of such dog by sale or by destruction in some humane manner. No dog so caught and detained shall be sold for the purpose of vivisection. All moneys derived from the sale of such dog, after deducting the expense of its detention and sale, shall be paid to the Agriculture Commissioner and credited to the Livestock Fund.

(2) It shall be the duty of every police officer to destroy any dog which does not bear a proper license tag, which is found running at large.

Section 23. An officer shall be paid the sum of $1.50 for destroying and properly disposing of the carcass of each unlicensed dog by cremation, burial, or other approved sanitary method. All expenses incurred under this or the preceding section and not otherwise provided for, shall be paid by the Agriculture Commissioner from the Livestock Fund.

Section 24. (1) It shall be unlawful for any police of-

ficer to refuse to perform his duties under the provisions of this Act, or to refuse to assist in the enforcement of this Act upon request of the Agriculture Commissioner.

(2) It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this Act.

Section 25. (1) Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock, or wounding or killing poultry, or attacking human beings, whether or not such dog bears the license tag required by the provisions of this Act. There shall be no liability on such person in damages or otherwise for such killing.

(2) Any unlicensed dog, not accompanied by its owner or keeper, that enters any field or inclosure where livestock or poultry are confined shall constitute a private nuisance and the owner or tenant of such field, or his agent or servant, may kill such dog while it is in the field or inclosure, without liability or responsibility of any nature for such killing.

(3) Subsection (2) hereof shall not apply to licensed dogs, when accompanied by their owner or handler, unless caught in the act of worrying, wounding or killing any livestock, or wounding or killing poultry, or attacking human beings.

(4) Any person who has been attacked by a dog, or any one for such person, may make a complaint before a Justice of the Peace, or Judge of any Police or Quarterly Court, charging the owner or keeper of such dog with harboring a vicious dog. A copy of such complaint shall be served upon the person so charged in the same manner and subject to the same laws regulating the service of summons in civil actions directing him to appear for a hearing of such complaint at a time fixed therein. If such person shall fail to appear at the time fixed, or if upon a hearing of the parties and their witnesses, the Court shall find the person so charged is the owner or keeper of the dog in question, and that the dog has viciously and without cause, attacked a human being when off the premises of the owner or keeper, such official shall order the said owner or keeper to henceforth keep such dog securely confined.

(5) For his services in such proceedings, the judge or justice

of the peace and the police officer shall be entitled to the same fees to which they are entitled for performing similar services in civil cases. In all proceedings under this section, such court shall place the costs upon either party as he may determine.

(6) It shall be unlawful for the owner or keeper of any vicious dog, after receiving such order, to permit such dog to run at large, or to appear on the public highways unless in leash. Any such dog found running at large may be killed by any police officer without liability for damages for such killing.

Section 26. (1) All licensed dogs are hereby declared to be personal property and subjects of larceny. Except as provided in Section 25 of this Act, it is unlawful for any person, except a police officer, to destroy, injure, or poison, or attempt to destroy, injure, or poison, any dog which bears a license tag for the current year.

(2) It shall be unlawful for any person to place any dog-button or any poison of any description in any place, on his own premises or elsewhere, where it may be easily found and eaten by dogs.

Section 27. It shall be unlawful for the owner or keeper of any female dog to permit her to go beyond the premises of such owner or keeper at any time she is in heat, unless she is properly in leash.

Section 28. (1) The owner or keeper of every dog shall at all times between the hours of sunset and sunrise of each day keep such dog: (a) confined within an inclosure from which it cannot escape, or (b) firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured, or (c) under the reasonable control of some person or when engaged in lawful hunting accompanied by an owner or handler.

(2) Any police officer may destroy any dog found running at large between the hours of sunset and sunrise and unaccompanied and not under the control of the owner or handler.

Section 29. (1) Any owner or keeper of a dog which has killed or injured livestock or poultry or which has bitten such

livestock or poultry so severely as to necessitate its destruction, shall be liable to the owner of such livestock or poultry, in a civil action, for all damages and costs, or to the Commonwealth.

(2) Whenever any person sustains any loss or damage to any livestock or poultry by dogs, or any livestock or poultry of any person is necessarily destroyed because of having been bitten by a dog, except when such loss, destruction or damage shall have been caused by a dog harbored by the owner of such livestock or poultry, such person or his agent or attorney may, immediately after the damage is done, complain to a duly authorized agent of the Agriculture Department. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how such damage was done, and by whose dog or dogs, if known. Upon receipt of such complaint, the agent of the Agriculture Department shall at once examine the place where the alleged loss or damage was sustained and the livestock or poultry injured or killed, and shall examine under oath or affirmation, any witnesses called before him. After making diligent inquiry in relation to such claim, such agent, acting as appraiser, shall determine whether any damage has been sustained and the amount thereof and, if possible, who was the owner of the dog or dogs by which such damage was done. If the owner does not agree as to the amount of damage allowed by the appraiser, the owner and appraiser may appoint a disinterested citizen to assist in determining the amount of damage sustained. For such services, the said disinterested citizen shall receive two dollars and mileage at five cents per mile for the distance traveled, which shall be paid by the owner and considered as part of the costs in such claim.

Section 30. (1) Upon receipt by the Agriculture Department of the appraisal report, the Agriculture Commissioner, if he approves the report, shall certify the amount thereof, together with the costs of the proceedings, to the Department of Finance which draws a warrant in the amount thereof on the State Treasurer payable out of the Livestock Fund. If the commissioner does not approve the appraisal report, he shall ascertain the amount of damage sustained.

(2) The state shall succeed to all rights and interests of

the owner of livestock or poultry which has been killed or injured by dogs to the extent of any payment made by the state out of the Livestock Fund.

Section 31. (1) No payment shall be made for any injury to or destruction of livestock or poultry if payment has been made by the owner of the dog or dogs doing the injury. The fact that no such payment has been made shall be certified by the claimant.

(2) When any payment is made by the state for any livestock or poultry injured by a dog, such payment shall not exceed one hundred dollars for each horse, or mule; one hundred and fifty dollars for each head of registered cattle; one hundred twenty-five dollars for each head of unregistered cattle; twenty-five dollars for each head of unregistered swine, sheep or goats; fifty dollars for each head of registered swine, sheep or goats; three dollars for each full grown goose; five dollars for each full grown turkey; and one dollar for each head of other poultry, or domesticated hare or rabbit. All appraisals under this Act shall be the actual value of the livestock, including poultry killed or injured.

Section 32. Owners of licensed dogs which are killed by any police officer, without justification under the provisions of this Act, shall be recompensed for the value of such dog out of the Livestock Fund in the same manner as owners of livestock or poultry killed or injured by dogs are recompensed. The proceedings for appraisal of the value of the dog and payment of the claim shall conform to the procedures prescribed by Sections 29 and 30 of this Act except that no claim shall exceed one hundred dollars.

The state shall recover the amount paid to the owner of the dog from the officer responsible for the unjustified killing.

The state shall recover the amount paid to the owner of the dog from the officer responsible for the unjustified killing.

Section 33. (1) Any valid claims, or parts thereof, for loss or damage to sheep, horses, mules, cattle, swine or poultry which have accrued under the provisions of Chapter 258 of the Kentucky Revised Statutes, and any such claims which may accrue

prior to July 1, 1952 shall not abate by reason of the repeal of such Act, but to the extent that funds are available for the payment thereof, such claims shall be paid out of the available fund of the proper county; and for such purposes the provisions of said Act are hereby saved from repeal.

(2) Any such claims remaining unpaid out of the available fund of the proper county after December 31, 1953, shall be paid from the Livestock Fund to the extent of available funds as determined by the committee and in the order of their presentation; provided, however, that no such claims presented after December 31, 1954, shall be so paid.

Section 34. (1) If, in the report of the appraiser, the name of the owner of any dog or dogs having caused loss or damage to any livestock or poultry is definitely and conclusively shown or if a written complaint is filed with the Commissioner of Agriculture by any owner of livestock or poultry against any dog, stating that such dog has been seen pursuing or worrying livestock or poultry, and if such charge is proven by investigation on the part of the Agriculture Department, the Agriculture Commissioner may notify the owner or keeper of such dog to immediately destroy the same; whereupon it shall be unlawful and a violation of this Act for such owner or keeper to permit or cause such dog, while alive, to leave or be removed from such premises. The destroying of such dogs shall not remove the liability of the owner for such damage done by his dog. Upon failure of such owner to comply with such order within a period of ten days, any police officer, upon notice from the Agriculture Department, shall destroy such dog wherever found. For such service he shall be entitled to a fee of one dollar for each dog so destroyed, to be paid out of the Livestock Fund upon presentation to the Agriculture Department of satisfactory proof that such dog has been destroyed by him.

(2) Any person who owns or harbors an unlicensed dog shall forfeit any right to be reimbursed out of the Livestock Fund for any damage to his livestock or poultry by dogs.

Section 35. It shall be unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this Act.

Section 36. (1) When the inhabitants of any city, or county, or of any part thereof, have suffered an excessive amount of damage to livestock or poultry or domestic game birds by dogs, a petition may be presented to the Agriculture Commissioner, signed by twenty or more of such inhabitants who are owners of livestock or poultry, alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of such city, or county, or such part thereof. Upon receipt of such petition, the Agriculture Department may, through its authorized agents, have an investigation made of the facts alleged therein and, if convinced that conditions in such city, county, or such designated area, demand such stringent measures, may establish a dog control quarantine therein.

(2) When such quarantine is established, at least ten notices thereof shall be posted throughout the area affected thereby, and notices thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city, or county.

(3) It shall be unlawful for any person, residing in the area affected by such quarantine, to permit a dog owned or harbored by him to run at large in such quarantined area, or to leave the premises where it is kept, unless accompanied by and under the control of the owner or a handler.

(4) Any police officer may destroy any dog running at large in a quarantined area, in violation of such quarantine, without any liability for such destruction.

Section 37. Notwithstanding any of the terms or provisions of this Act, the Commonwealth of Kentucky shall not be liable for any loss, injury to, or destruction of livestock, poultry, or licensed dogs under any of the terms or provisions of this Act except as to such claims arising after June 30, 1953, and then only to the extent that monies may be available in the Livestock Fund for the payment of such claims. Within the meaning of this section, the loss, injury to, or damage of livestock, poultry or licensed dogs must happen or occur after June 30, 1953.

Section 38. Nothing in this Act shall be construed to prohibit or to limit the right of any municipality to pass or enforce any ordinance with respect to the regulation of dogs, the pro-

visions of which are not inconsistent with the terms and provisions of this Act. Nothing in this Act shall be construed to repeal any of the provisions of the fish and game laws of the Commonwealth of Kentucky now in effect, nor any laws relating to the powers and duties of the State Board of Health, or of any health officer relating to mad dogs or dogs affected with any disease, or to prohibit the destroying of licensed or unlicensed dogs in accordance with the provisions of any quarantine regulations made in accordance with the provisions of any local or state health law.

Section 39. (1) Any person violating or failing or refusing to comply with any of the provisions of this Act shall, upon conviction, be fined not less than five dollars nor more than one hundred dollars or imprisoned for not less than five nor more than sixty days or both so fined and imprisoned.

(2) All fines collected under this Act shall, after costs and commissions have been deducted, be paid to the Agriculture Department to be converted to the State Treasury and credited to the Livestock Fund.

Section 40. Except as provided in Section 33 of this Act, Chapter 258 of the Kentucky Revised Statutes hereby is repealed in its entirety.

Section 41. The Livestock Fund shall constitute a revolving fund and any balance remaining in said fund at the end of any fiscal year shall be carried over to the next succeeding year and no part thereof shall revert to the General Fund, except that on the first day of January, 1955, and on the first day of January of any year thereafter any unencumbered sum in excess of $200,000 standing to the credit of the Livestock Fund shall revert to the General Fund.

H. B. No. 400. AN ACT relating to redistricting the Commonwealth of Kentucky into eight congressional districts, amending section 120.060 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 120.060 of the Kentucky Revised

Statutes is amended to read as follows: The Commonwealth is divided into eight Congressional Districts, composed as follows:

(1) First District: Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Livingston, Marshall, Calloway, Crittenden, Caldwell, Lyon, Trigg, Christian, Muhlenberg, Ohio and Butler.

(2) Second District: Todd, Logan, Simpson, Warren, Allen, Edmonson, Grayson, Breckinridge, Hancock, Daviess, Henderson, McLean, Hopkins, Webster, Union and Meade.

(3) Third District: Jefferson.

(4) Fourth District: Hardin, Hart, Barren, Metcalf, Adair, Green, Taylor, Marion, Larue, Washington, Nelson, Bullitt, Spencer, Anderson, Shelby, Oldham, Mercer, Woodford, Boyle and Lincoln.

(5) Fifth District: Carroll, Gallatin, Boone, Kenton, Campbell, Pendleton, Bracken, Mason, Lewis, Fleming, Boyd, Greenup, Lawrence, Trimble and Grant.

(6) Sixth District: Henry, Owen, Harrison, Scott, Franklin, Fayette, Jessamine, Garrard, Madison, Estill, Rowan, Powell, Clark, Montgomery, Menifee, Bath, Nicholas, Robertson, Bourbon and Carter.

(7) Seventh District: Elliott, Morgan, Wolfe, Breathitt, Perry, Letcher, Knott, Floyd, Pike, Magoffin, Johnson, Martin and Lee.

(8) Eighth District: Casey, Russell, Cumberland, Monroe, Clinton, Wayne, Pulaski, McCreary, Rockcastle, Jackson, Owsley, Laurel, Whitley, Knox, Bell, Clay, Leslie and Harlan.

Section 2. Notwithstanding the provisions of Section 1 hereof, if any vacancy in the office of Representative in Congress shall exist or occur before January 3, 1953, in any district, the vacancy shall be filled as provided by law from the district as it existed prior to the enactment of this Act.

Section 3. WHEREAS, the time for filing for nomination

to the office of Representative in Congress is now close at hand, and it is desirable to eliminate any question with regard to the districts for which such candidacies may be filed.

NOW, THEREFORE, an emergency is declared to exist and this Act shall take effect from and after its passage and approval by the Governor, or from and after such time as this Act becomes a law without the approval of the Governor.

Ordered that said resolution and bills be printed and referred.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Senator Shackelford.

S. B. No. 236. AN ACT relating to the arrest and delivery of a person guilty of a felony in another state.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 440.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person guilty of the commission of a felony anywhere outside this state, if found in this state, may be arrested upon a duly issued warrant, or, without a warrant, if the arresting officer or his superior has received a request for such arrest from a judicial or law enforcing officer of the state, territory or country in which such person is wanted, and provided, that such request specifically set out that a warrant had been duly issued therein for such person.

(2) The person arresting the accused shall immediately take him before a circuit judge, the judge of the county court, or the police judge of a city in the county in which he was arrested, who shall, upon hearing the evidence, if satisfied that there are reasonable grounds to believe the prisoner to be guilty, commit him to the jail of the county where he was arrested for sixty days, unless

he is legally discharged or removed upon the demand of the executive of the state in which it is charged that the offense was committed. The person who caused the arrest of the fugitive shall notify the executive of the state in which the crime was committed that the fugitive is being held in custody. The Governor of this state, upon a proper demand made, shall issue his warrant directing the officer having the custody of the prisoner to deliver him to the agent of the state demanding him. The officer shall deliver the prisoner, upon the payment of all legal costs and charges by or for the agent.

By Senator Warinner.

S. B. No. 237. AN ACT relating to dogs.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 258.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) All license fees collected by the sheriff or paid over to him by a deputy sheriff shall be paid to the county treasurer and credited to a Dog License Fund.

(2) All fines collected under subsection (3) and (4) of KRS 258.990 shall, after costs and commissions have been deducted from the fines, be paid to the county treasurer, to be credited to the Dog License Fund.

(3) The sheriff shall keep, as a matter of information, an accurate record of all license fees collected by him or paid over to him by a deputy sheriff.

Section 2. Section 258.350 of the Kentucky Revised Statutes is amended to read as follows:

The sheriff or deputy sheriff shall receive fifteen cents for every license issued by him, to be paid out of the county Dog License Fund and shall be retained by the sheriff or deputy sheriff as his fee for issuing the license.

Section 3. Section 258.360 of the Kentucky Revised Statutes is amended to read as follows:

The sheriff shall, on or before February 1 of each year, make a report to the fiscal court of all licenses issued and the amount collected therefrom, the amount collected in fines and the amount paid out and for what.

Section 4. Section 258.400 of the Kentucky Revised Statutes is amended to read as follows:

The collector of dog licenses appointed under KRS 258.370 shall be entitled to twenty percent of the amount collected from dog licenses, which shall be his total compensation for issuing the license. He shall, however, be entitled to and receive the fees and costs stipulated in KRS 258.140 for the services therein mentioned in addition to his fees for issuing the licenses. He shall make a report to the county clerk on the first day of each month showing the number of licenses issued and pay to the county treasurer funds which he has collected, less the twenty percent which he shall retain for himself. The county treasurer shall credit the balance to the Dog License Fund.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

All funds in the County Dog License Fund at the end of each year shall be equally divided between and paid to the county and independent school districts in the county.

Section 6. Sections 258.330, 258.340, 258.430 to 258.490 and subsection (2) of section 258.420 of the Kentucky Revised Statutes are repealed.

By Senator Martin.

S. B. No. 238. AN ACT relating to Workmen's Compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whenever an employe receives a personal injury which is

or may be compensated under the Workmen's Compensation Law and said employe is examined or treated for such injury by a doctor or physician under the provisions of KRS 342.020 the employer shall cause to be furnished to the employee and to the board immediately following said examination or treatment a copy of the report of the doctor or physician showing in detail the nature and condition and effect of the employe's injury. Upon any future examination or examinations by a doctor or physician the employer shall cause to be furnished to the employe and to the board immediately following such examination copies of the reports thereof containing the information mentioned above.

If the employe should be examined or treated by any doctor of his own choosing the employe shall, immediately following said examination, cause a copy of the report thereof containing the information mentioned above to be furnished to his employer and to the board.

Ordered that said bills be printed and referred.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

H. B. No. 52. AN ACT relating to the County and Circuit Court record books.

H. B. No. 79. AN ACT authorizing second class cities to contribute to the support of dependent children.

H. B. No. 101. AN ACT relating to the trust and agency fund of the Metal Stamping Plant in the Department of Welfare.

H. B. No. 146. AN ACT relating to appointment of members of the board of trustees of the University of Kentucky.

H. B. No. 198. AN ACT, amending KRS 45.280, relating to Petty Cash Funds of State Budget Units.

H. B. No. 224. AN ACT relating to child labor.

H. B. No. 230. AN ACT relating to the use of certain

funds for the acquisition of space for the Division of Unemployment Insurance and the Department of Economic Security; amending KRS 341.245.

H. B. No. 231. AN ACT relating to the selection and adoption of textbooks for use in public schools.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate affixed his signature thereto.

Ordered that the Chief Clerk of the Senate deliver the original and enrolled copies of said bills to the Enrolling Clerk of the House.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

REPORTS OF COMMITTEES

Senator Cox, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported bills of the following titles, viz:

S. B. No. 178. AN ACT relating to the allowance to sheriffs for patrol duties and inspection of dance halls, road houses and other places.

S. B. No. 177. AN ACT relating to the fees of sheriffs.

H. B. No. 400. AN ACT relating to redistricting the Commonwealth of Kentucky into eight Congressional Districts, amending Section 120.060 of the Kentucky Revised Statutes.

With expression of opinion that same should pass.

Whereupon, said bills were read at length for the first time and

Ordered placed in the Calendar.

S. B. No. 176. AN ACT providing mileage for sheriffs in the various counties of the Commonwealth of Kentucky for the

mileage traveled in the service of notices, subpoenas, and summons.

With Committee Amendments as follows, viz:

Amendment No. 1: Amend printed copy of S. B. No. 176 on page 1,

By adding, following line 3 of section 3, the following section:

"Section 4. The provisions of this Act shall not apply with relation to the delivery of a notice, subpoena or summons on behalf of the Commonwealth of Kentucky."

Amendment No. 2: Amend printed copy of S. B. No. 176 on page 2, line 1,

By striking the numeral "4" immediately following the word "Section" and substituting therefor the numeral "5"

With the expression of opinion that same should pass with said Committee Amendments thereto.

Thereupon, said bills were read at length for the first time and

Ordered placed in the Calendar.

Senator Lassiter, Chairman of the Committee on Claims, to which same had been previously referred, reported bills of the following titles, viz:

S. RES. No. 23. RESOLUTION authorizing the payment to V. T. C. Lines, Inc., of three hundred and forty ($340.00) Dollars, being the amount due said Company for having transported members of the Kentucky National Guard during an emergency.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Senator Moloney moved that the rules be suspended for the purpose of Introduction of Bills and a Resolution.

Said motion was agreed to.

By Senator Cox.

S. B. No. 239. AN ACT relating to powers of Corporations; Amending Section 271.125 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 271.125 of the Kentucky Revised Statutes be and the same is hereby repealed, amended and reenacted so that as amended and reenacted it shall read as follows:

Each corporation formed under the provisions of this chapter shall have power:

(1) To have a corporate seal and alter it at pleasure;

(2) To continue as a corporation for the time limited in its articles of incorporation, or, if no such time limit is specified then perpetually;

(3) To sue and be sued in its corporate name;

(4) To contract and be contracted with;

(5) To acquire, hold, sell, dispose of, pledge or mortgage any such property as its purposes may require, subject to any limitation prescribed by law or the articles of incorporation;

(6) To elect and appoint such officers and agents as the business of the corporation shall require, and to remove them, to define their duties and fix their compensation and to require a bond for the faithful discharge of their duties;

(7) To make bylaws not inconsistent with law;

(8) To conduct the business and promote the purposes for which it was formed in this state and elsewhere as may be permitted by law;

(9) To dissolve and wind up as provided in KRS 271.495 to 271.545;

(10) To acquire, hold, mortgage, pledge or dispose of the shares, bonds, securities and other evidences of indebtedness of any domestic or foreign corporation;

(11) To indemnify its directors and officers as set out in KRS 271.375;

(12) To accept gifts and to carry out any terms, requests or conditions prescribed or made by the donor thereof;

(13) To make donations for public welfare, scientific, religious or educational purposes.

By Senator Lassiter.

S. B. No. 240. AN ACT changing the classification of the City of Kuttawa, in Lyon County.

Said bill is as follows, viz:

Whereas, satisfactory information has been presented to the General Assembly that the population of the City of Kuttawa, in Lyon County, is such as to justify its being assigned to the fifth class of cities.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the City of Kuttawa, in Lyon County, is transferred from the sixth to the fifth class of cities.

By Senator Melton.

S. B. No. 241. AN ACT relating to Mechanics' and Materialmen's Liens.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person engaged in the business of selling, repairing, or furnishing accessories, or supplies, for any kind of equipment or machinery, including motors, shall have a lien on the equipment, machine, machinery, or

motor, for the reasonable or agreed charges for repairs, work done, accessories, parts, and supplies furnished for the equipment, machine, machinery, or motor until the reasonable or agreed charge therefor has been paid. The lien shall not be lost by the removal of the equipment, machine, machinery or motor from the premises of the person performing labor, repairing, or furnishing accessories, parts or supplies therefor, if the lien shall be asserted within three months by filing in the office of the County Clerk a statement showing the amount and cost of materials furnished or labor performed on the equipment, machine, machinery, or motor. This statement shall be filed in the office of the County Court Clerk of the county in which the owner of the equipment, machine, machinery, or motor resides, unless such owner be a non-resident, in which event the lien statement shall be filed in the office of the County Court Clerk of the county in which such equipment, machine, machinery, or motor is at the time being kept or used.

The lien provided for in this Act shall attach regardless of whether or not the equipment, machine, machinery, motor, or motors, are ever upon the premises of or in the possession of the person making the repairs, furnishing the parts, or the supplies for such repairs.

Section 2. The lien statement referred to in Section 1 of this Act shall be construed to mean a statement in writing in which is stated the amount due the claimant, with all just credits and set-offs known to him, together with a description of the property intended to be covered by the lien sufficiently accurate to identify it, the name of the owner, if known, and whether the material, parts, supplies, and labor were furnished pursuant to contract with the owner, or with a contractor or sub-contractor. This statement shall be subscribed and sworn to by the person claiming the lien or by someone in his behalf.

The County Court Clerk shall endorse upon each statement the date of its filing, and shall make an abstract of the statement in a book to be kept by him for that purpose, properly endorsed and indexed, containing the date of filing, the name of the person seeking to enforce the lien, the

amount claimed, the name of the person against whose property the lien is filed, and a description of the property charged with the lien. The Clerk shall receive one dollar ($1) from the person filing the statement as full compensation, which shall be taxed and collected as other costs.

Section 3. The lien shall not be for a greater amount in the aggregate than the contract price of the original contractor, and should the aggregate amount of the liens exceed the price agreed upon between the original contractor and the owner, there shall be a pro rata distribution of the original contract price among the lien-holders. The lien shall not take precedence over a mortgage or bona fide sale and delivery for value without notice, unless the person claiming the prior lien shall, before the recording of the mortgage, or before sale and delivery, file in the office of the Clerk of the County Court a statement showing that he has furnished or expects to furnish labor, or materials, or parts, or supplies, and the amount in full thereof. The lien shall not, as against the holder of a mortgage, or a purchaser for value, exceed the amount of the lien claimed, as set forth in the statement. The statement shall in all other respects be in the form hereinabove in this Act provided.

Section 4. No person who has not contracted directly with the owner, or his agent, shall acquire a lien under this Section unless he notifies in writing the owner of the property to be held liable or his authorized agent, within thirty-five (35) days after the last item of material or labor is furnished, of his intention to hold the property liable and the amount for which he will claim a lien. It shall be sufficient to prove that the notice was mailed, United States postage prepaid, to the last known address of the owner of the property upon which the lien is claimed, or to his duly authorized agent.

Section 5. Any equipment, machine, machinery, motor or motors remaining in the possession of a person who has made repairs, furnished parts, performed labor, or furnished accessories or supplies for the equipment, machine, machinery, motor, or motors, for more than thirty (30) days, may be sold to pay the charges. The proposed

sale shall be advertised for at least three times in three separate weeks before the sale is made, in some newspaper of general circulation in the city or county where the materials, etc., were furnished or the labor performed. The owner of the equipment, machine, machinery, motor or motors, shall be served with written notice of such proposed sale at least two weeks before the date of such sale. The notice may be in writing addressed to the owner at his last known address and sent by registered United States mail, postage prepaid. Such written notice may be served upon the owner in any other mode generally recognized by the laws and practice before courts in this state.

Section 6. Any lien under the provisions of this Act may be enforced by a suit in equity in any court of competent jurisdiction, as other liens are enforced.

By Senator Melton.

S. Res. No. 31. A RESOLUTION authorizing a suit against the Commonwealth of Kentucky by the Municipal Paving Company; authorizing an equitable adjustment and settlement to be made with the said company; authorizing a compromise or settlement of such claim or suit; and providing for the payment of any judgment obtained or the amount of any settlement agreed upon.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

WHEREAS, Municipal Paving Company, an Illinois Corporation, was the lowest and best bidder on a contract for the construction of a certain road project in McCracken County, Kentucky, which was and is designated and known on the records of the Department of Highways as McCracken County U 58 (5) SP 73-352-1, Paducah Belt Line Project, and

WHEREAS, the contract for said road project was awarded to Municipal Paving Company by the Department of Highways as the duly authorized agent of the Common-

wealth of Kentucky, which contract is dated July 2, 1947, and

WHEREAS, in the prosecution of the work required to be performed under the terms of the aforesaid contract, unknown and latent sub-surface conditions were encountered which necessitated a large amount of additional and more expensive work and the re-handling of materials which was not contemplated by the contract nor included in the original contract unit prices called for in the specifications, drawings and contract, and

WHEREAS, an examination and investigation of the conditions at the site did not disclose the unstable sub-surface conditions subsequently encountered and sub-surface conditions discovered were unknown conditions of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inhering in construction work of the character provided for in the plans and specifications; and, the conditions encountered could not reasonably have been anticipated or foreseen and were not anticipated or foreseen by an examination of the site and were not discovered by the best investigation of the conditions at the site which it was possible for the contractor to make with the facilities available and within the time allowed prior to the submission of bids, and

WHEREAS, said sub-surface conditions so encountered were unknown and unanticipated by either party at the time the contract was entered into, and

WHEREAS, as the work progressed it became evident that the sub-soil and underground water table was much more serious than the parties had at first believed, and

WHEREAS, the soil and unstable sub-surface conditions encountered were due to an unknown and unusually high underground water table which could not have been ascertained without the aid of borings, and

WHEREAS, in view of the sub-surface or latent conditions at the site being materially different from the conditions expected by the parties to the contract, and

WHEREAS, as a result of the unknown and unanticipated conditions encountered, the contractor was required to furnish additional materials and perform additional work to stabilize the base for the surfacing of said road project and said conditions resulted in necessary and substantial delays, necessary and increased and unanticipated costs to the contractor,

NOW, THEREFORE, in order that the respective rights of the parties may be finally determined, said Municipal Paving Company is hereby authorized to institute and maintain a suit in equity against the Commonwealth of Kentucky in the Franklin Circuit Court for such additional compensation as it may be entitled to receive and for such damages as it may have sustained, if any. The court may determine what, if any, equitable adjustment the contractor is entitled to receive. The Department of Highways, with the approval of the Attorney General of the Commonwealth of Kentucky, may compromise or settle said claim before or after suit is filed and the Department hereby is authorized to make such equitable allowances and such equitable adjustment as it may appear the contractor is equitably entitled to receive. Any amount adjudged to plaintiff in said suit or agreed upon by settlement between the contractor and the Department of Highways shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury. In the event suit is filed and judgment is rendered by the Circuit Court, either party may appeal to the Court of Appeals as in other civil cases.

Nothing contained in this Resolution shall be considered by the court as substantive evidence on the merits of the alleged claim and nothing contained in this Resolution shall be considered as an admission by the Commonwealth of Kentucky of liability but it shall be construed as a waiver of any technical legal defenses and as authorizing the Department of Highways and the Court of Equity to consider and make such equitable adjustment and settlement as may appear to be fair and just.

Ordered that said bills and resolution be printed and referred.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 210. AN ACT relating to the transfer of the Division of Child Welfare to the Kentucky Children's Bureau within the Department of Welfare, and services to needy children.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 209. AN ACT relating to and regulating advertising signs or devices on or adjacent to public highways, and providing penalties.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 162. AN ACT relating to administrative agencies of the state government; including provisions as to the preparation, filing, effectiveness and publication or distribution of administrative regulations, procedure before administrative agencies, and judicial review of the actions of administrative agencies.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 150. AN ACT concerning the definition of "Filled Milk."

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 146. AN ACT relating to liens, amending section 376.150 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 144. AN ACT relating to public health.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 224. AN ACT relating to the furnishing of school services to children in certain state institutions.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 223. AN ACT appropriating funds from the General expenditure Fund for the payment of prior year claims for the fiscal year ending June 30, 1952.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 222. AN ACT relating to the investment of state funds and moneys; amending KRS 41.380.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 277. AN ACT relating to taxes on the production of crude petroleum, and particularly in respect of penalties relating thereto.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 274. AN ACT relating to the office of Receiver of the circuit court in a county containing a population of 300,000 or over and providing for the payment of such officer's compensation in case the fees of the office are not sufficient to meet his salary.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 225. AN ACT relating to the State Fair Board, repealing Subsection (2) of Section 247.170 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 226. AN ACT providing the manner and time of electing members of county boards of education in counties containing a city of the first class, if and when an independent school district in a city of the first class is merged with the county school district, and providing for the filling of vacancies in office.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 275. AN ACT relating to the excise tax on gasoline.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 289. AN ACT amending Section 146.090 of the Kentucky Revised Statutes, relating to the Soil and Water Resources Commission.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 288. AN ACT amending Section 104.390 of the Kentucky Revised Statutes, relating to the State Flood Control and Water Usage Board.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 158. AN ACT relating to mines and minerals.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 196. AN ACT relating to public printing, amending Sections 57.045, 57.060, 57.090, 57.180, and 57.250 and repealing Sections 57.080 and 57.260 of the Kentucky Revised Statutes. (With Committee Amendment)

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 195. AN ACT relating to planning and zoning in cities of the third, fourth, fifth, and sixth classes. (With Committee Amendment)

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 262. AN ACT concerning the placing of fire hydrants in the public ways in cities of the first class; the letting of contracts therefor and the apportionment of the costs thereof.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second

reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 187. AN ACT relating to the establishment and maintenance of high schools in cities with a population of 200,000 or more.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 282. AN ACT authorizing payment of traveling expenses of certain public officers and employees of counties containing cities of the first class.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 227. AN ACT changing the terms of court in the thirty-ninth Judicial District.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 185. AN ACT relating to civil jurisdiction of quarterly and justices' courts.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 20. AN ACT relating to district detectives.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 212. AN ACT relating to pleading, practice and procedure in civil actions and criminal proceedings.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 135. AN ACT to prevent trespassing upon posted railroad property.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The Senate took up for consideration from the Orders of the Day a resolution entitled as follows, viz:

S. RES. No. 29. A RESOLUTION honoring Assistant Attorney General M. B. Holifield.

Senator Freeman moved the adoption of said resolution.

Said motion was agreed to.

Thereupon said resolution was adopted.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of receiving Report of Committee on Enrollment.

Said motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

S. B. No. 82. AN ACT relating to liquefied petroleum gas.

S. B. No. 103. AN ACT concerning enforceability of contracts of infants executed to obtain benefits of federal law providing for the making or guaranteeing of loans to war veterans.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Enrolling Clerk of the Senate deliver the original and enrolled copies of said bills to the House.

After a time the Enrolling Clerk delivered said original and enrolled copies of said bills duly signed by the Speaker of the House.

Ordered that the Chief Clerk of the Senate deliver said bills to the Governor.

After a time, the Chief Clerk aforesaid reported that he had discharged that duty.

The Senate took up for consideration from the Orders of the Day bills of the following titles, viz:

H. B. No. 216. AN ACT relating to alleged mental incompetents.

H. B. No. 145. AN ACT relating to unemployment insurance and amending KRS 341.030 (5), (6) and (7); KRS 341.090 (3); KRS 341.145; KRS 341.200; KRS 341.230; KRS 341.260; KRS 341.270; KRS 341.300; KRS 341.310; KRS 341.370 (4) and (5); KRS 341.380; KRS 341.390; KRS 341.420 (3); KRS 341.540; and KRS 341.990 (5).

H. B. No. 271. AN ACT relating to the taxation of special fuels.

Senator Moloney moved that consideration of said bills be deferred and that they retain their places in the Orders of the Day.

Said motion was agreed to.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 4. AN ACT changing the classification of the City of Elsmere, in Kenton County.

Senator Stapleton moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	Jack R. Reynolds
Louis Cox	Alvin Kidwell	William J. Sample
Archie Craft	Bert Kiser	Clay Shackleford
Martin J. Duffy	James Lassiter	Cortis K. Stacy
Ernest M. Ford	Homer E. Losey	Paul Stapleton
Wayne Freeman	C. W. A. McCann	Otis C. Thomas
Julian Golden	James R. Mansfield	Wendell Van Hoose
James P. Hanratty	Earl F. Martin	Sylvester Wagner
Doug Hays	Strother Melton	Ed P. Warinner
Thomas Hines	Richard P. Moloney	John M. Williams
Stanley Hoffman	O. W. Montgomery	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The President of the Senate, Honorable Emerson Beauchamp, vacated the chair, which was assumed by the President Pro Tem, Senator Louis Cox.

The Senate took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 50. AN ACT relating to the licensing, inspection,

and regulation of hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick.

Senator Moloney moved that the Senate concur in House Amendment, which is as follows, viz:

On Page 12, Section 6, Line 198 and 199 by striking therefrom the words: "and no person shall be denied care solely because of race, creed, or color." and substituting in lieu thereof the words:

"and no person shall be denied emergency care solely because of race, creed or color."

Said motion was agreed to.

Thereupon the Senate concurred in said House Amendment to said bill.

Senator Moloney moved the Previous Question on Senate Bill No. 50, with House amendment as above.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with House Amendment, be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill, with House Amendment, be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the constitutional provision as to the third reading at length of said bill, with House Amendment, having been dispensed with, said bill, with House Amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with House Amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	Jack R. Reynolds
Louis Cox	Alvin Kidwell	William J. Sample
Archie Craft	Bert Kiser	Clay Shackleford
Martin J. Duffy	James Lassiter	Cortis K. Stacy
Ernest M. Ford	Homer E. Losey	Otis C. Thomas
Wayne Freeman	C. W. A. McCann	Wendell Van Hoose
Julian Golden	James R. Mansfield	Sylvester Wagner
James P. Hanratty	Earl F. Martin	Ed P. Warinner
Doug Hays	Strother Melton	John M. Williams
Thomas Hines	Richard P. Moloney	E. V. Withers
Stanley Hoffman	O. W. Montgomery	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with House Amendment, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Clerk of the Senate reported that H. B. No. 115 had been repassed by the House, where it was returned after it was found that the enacting clause had been omitted from the same.

Thereupon Senator Moloney moved that, inasmuch as the bill had previously had its three readings and was eligible for passage, that it be taken up for consideration.

Said motion was agreed to.

Said bill is entitled as follows, viz:

H. B. No. 115. AN ACT permitting the creation of a County Police Force Merit System, providing for the establishment of a Merit Board and defining its powers and duties, and providing for the classification, qualification, examination, appointment, tenure, promotion, demotion, fine, suspension, discipline, immunities and removal of police personnel, prohibiting certain defined political activities, providing penalties therefor and repealing laws in conflict.

Senator Moloney then moved that the motion by which the vote to reconsider this bill on February 1, 1952, was tabled, be reconsidered.

Said motion was unanimously agreed to.

Senator Moloney moved that the vote by which said bill was passed be reconsidered.

Said motion was unanimously agreed to.

Senator Moloney moved that the vote by which the previous question was adopted be reconsidered.

Said motion was unanimously agreed to.

Senator Moloney then moved that H. B. No. 115 be taken from the Orders of the Day and put upon its passage.

Said motion was agreed to.

Senator Moloney moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Jack R. Reynolds
Louis Cox	Dr. J. E. Johnson	William J. Sample
Archie Craft	Alvin Kidwell	Clay Shackleford
Martin J. Duffy	Bert Kiser	Cortis K. Stacy
Ernest M. Ford	James Lassiter	Otis C. Thomas
Wayne Freeman	Homer E. Losey	Wendell Van Hoose
Julian Golden	C. W. A. McCann	Sylvester Wagner
James P. Hanratty	Earl F. Martin	Ed P. Warinner
Doug Hays	Richard P. Moloney	John M. Williams
Thomas Hines	O. W. Montgomery	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 58. AN ACT relating to zoning and planning in cities of the second class and in counties containing such a city.

Senator Ford moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Richard P. Moloney
Louis Cox	Dr. J. E. Johnson	O. W. Montgomery
Archie Craft	Alvin Kidwell	William J. Sample
Martin J. Duffy	Bert Kiser	Clay Shackleford
Ernest M. Ford	James Lassiter	Paul Stapleton
Wayne Freeman	Homer E. Losey	Otis C. Thomas
Julian Golden	C. W. A. McCann	Wendell Van Hoose
James P. Hanratty	James R. Mansfield	Sylvester Wagner
Doug Hays	Earl F. Martin	John M. Williams
Thomas Hines	Strother Melton	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was

passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 15. AN ACT changing the classification of the city of Worthington, in Greenup County.

Senator Stapleton moved the Previous Question.

Whereupon, the President Pro tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	O. W. Montgomery
Louis Cox	Alvin Kidwell	Clay Shackleford
Archie Craft	Bert Kiser	Cortis K. Stacy
Martin J. Duffy	James Lassiter	Paul Stapleton
Wayne Freeman	Homer E. Losey	Otis C. Thomas
James P. Hanratty	C. W. A. McCann	Sylvester Wagner
Doug Hays	James R. Mansfield	Ed P. Warinner
Thomas Hines	Strother Melton	John M. Williams
Stanley Hoffman	Richard P. Moloney	E. V. Withers

—27

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 204. AN ACT relating to the acquisition of industrial buildings and equipment by cities, amending section 103.200 of the Kentucky Revised Statutes.

Senator Melton moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	William J. Sample
Louis Cox	Bert Kiser	Clay Shackleford
Archie Craft	James Lassiter	Cortis K. Stacy
Martin J. Duffy	Homer E. Losey	Paul Stapleton
Ernest M. Ford	C. W. A. McCann	Otis C. Thomas
Wayne Freeman	James R. Mansfield	Wendell Van Hoose
James P. Hanratty	Earl F. Martin	Sylvester Wagner
Doug Hays	Strother Melton	Ed P. Warinner
Thomas Hines	Richard P. Moloney	John M. Williams
Stanley Hoffman	O. W. Montgomery	E. V. Withers
Dr. J. E. Johnson	Jack R. Reynolds	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 223. AN ACT to further regulate motor trucks, semi-trailer trucks, and trailers, clarifying and enlarging the powers of the Commissioner of Highways and the County judges relating thereto, and amending KRS 189.280.

With Committee Amendment as follows, viz:

Amend H. B. No. 223

Amend printed copy of H. B. No. 223 on page 2 Sub-section 3, line 25

SO THAT, AS AMENDED, SAID LINE WILL READ:

(3) Except as provided in KRS 177.046, cities may,

Senator Moloney moved the adoption of Committee Amendment.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with Committee Amendment, be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill, with Committee Amendment, be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill, with Committee Amendment, having been dispensed with, said bill, with Committee Amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with Committee Amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	O. W. Montgomery
Louis Cox	Alvin Kidwell	Freeman Robinson
Archie Craft	Bert Kiser	William J. Sample
Martin J. Duffy	James Lassiter	Clay Shackleford
Ernest M. Ford	Homer E. Losey	Cortis K. Stacy
Wayne Freeman	C. W. A. McCann	Paul Stapleton
James P. Hanratty	James R. Mansfield	Otis C. Thomas
Doug Hays	Earl F. Martin	Wendell Van Hoose
Thomas Hines	Strother Melton	John M. Williams
Stanley Hoffman	Richard P. Moloney	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with Committee Amendment, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 96. AN ACT relating to Public Police Officers.

Senator Shackleford moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	Freeman Robinson
Louis Cox	Alvin Kidwell	William J. Sample
Archie Craft	Bert Kiser	Clay Shackleford
Martin J. Duffy	James Lassiter	Cortis K. Stacy
Ernest M. Ford	Homer E. Losey	Paul Stapleton
Wayne Freeman	C. W. A. McCann	Otis C. Thomas
Julian Golden	James R. Mansfield	Wendell Van Hoose
James P. Hanratty	Strother Melton	Sylvester Wagner
Doug Hays	Richard P. Moloney	Ed P. Warinner
Thomas Hines	O. W. Montgomery	John M. Williams
Stanley Hoffman	Jack R. Reynolds	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 82. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

Senator Golden moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	Jack R. Reynolds
Louis Cox	Alvin Kidwell	Freeman Robinson
Archie Craft	Bert Kiser	William J. Sample
Martin J. Duffy	James Lassiter	Clay Shackleford
Ernest M. Ford	Homer E. Losey	Cortis K. Stacy
Wayne Freeman	C. W. A. McCann	Paul Stapleton
Julian Golden	James R. Mansfield	Otis C. Thomas
James P. Hanratty	Earl F. Martin	Wendell Van Hoose
Doug Hays	Strother Melton	Sylvester Wagner
Thomas Hines	Richard P. Moloney	Ed P. Warinner
Stanley Hoffman	O. W. Montgomery	E. V. Withers

—33

Senator Stapleton offered the following amendment to the title:

Amend the title of S. B. No. 82 by adding the words:

"This Bill is to be called the Helton-Golden Bill." after the word gas.

Senator Stapleton moved the adoption of said amendment to the title.

Said motion was agreed to.

Thereupon said amendment to the title was adopted.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 116. AN ACT relating to terms of court in the Twenty-Fourth Judicial District.

Senator Moloney moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Louis Cox	Bert Kiser	Clay Shackleford
Archie Craft	James Lassiter	Cortis K. Stacy
Martin J. Duffy	Homer E. Losey	Paul Stapleton
Ernest M. Ford	C. W. A. McCann	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Sylvester Wagner
Julian Golden	Strother Melton	Ed P. Warinner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
Thomas Hines	Jack R. Reynolds	
Stanley Hoffman	Freeman Robinson	—31

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the rules be suspended for the purpose of Introduction of a Bill.

Said motion was agreed to.

By Senator Reynolds.

S. B. No. 242. AN ACT relating to the compensation of county judges pro tem in certain counties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Notwithstanding the provisions of KRS 64.530, or any other laws to the contrary, the county judge in counties containing a city of the fourth or fifth class is authorized to fix the annual salary of the county judge pro tem at an amount not in excess of one-half of the annual compensation received by the county judge.

Ordered that said bill be printed and referred.

Senator Moloney moved that the Senate do now recess until three o'clock.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President Pro Tem of the Senate resumed the chair and presided over the Senate.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 149. AN ACT to amend Sections 247.250, 247.280, 247.330, 247.340, 247.350, 247.370 of the Kentucky Revised Statutes relating to county farm bureaus and a state federation of county farm bureaus.

Senator Hoffman moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	Clay Shackleford
Louis Cox	Bert Kiser	Cortis K. Stacy
Archie Craft	James Lassiter	Otis C. Thomas
Martin J. Duffy	Homer E. Losey	Wendell Van Hoose
Wayne Freeman	C. W. A. McCann	Sylvester Wagner
James P. Hanratty	James R. Mansfield	Ed P. Warinner
Doug Hays	Earl F. Martin	John M. Williams
Thomas Hines	Strother Melton	E. V. Withers
Stanley Hoffman	Richard P. Moloney	
Dr. J. E. Johnson	William J. Sample	—28

There voted in the negative—

Paul Stapleton —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 173. AN ACT concerning the development and promotion of the sheep industry in Kentucky.

Senator Hoffman moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Louis Cox	Alvin Kidwell	Clay Shackleford
Archie Craft	Bert Kiser	Cortis K. Stacy
Martin J. Duffy	James Lassiter	Otis C. Thomas
Ernest M. Ford	Homer E. Losey	Wendell Van Hoose
Wayne Freeman	C. W. A. McCann	Sylvester Wagner
Julian Golden	James R. Mansfield	Ed P. Warinner
James P. Hanratty	Earl F. Martin	John M. Williams
Doug Hays	Strother Melton	E. V. Withers
Thomas Hines	Richard P. Moloney	
Stanley Hoffman	O. W. Montgomery	—31

There voted in the negative—

Paul Stapleton —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that H. B. No. 14 be taken from its place in the Orders of the Day and put upon its passage.

Senator Thomas moved that consideration of H. B. No. 14 be deferred and that same be allowed to retain its place in the Orders of the Day.

Said bill is entitled as follows, viz:

H. B. No. 14. AN ACT relating to elections, both regular and primary, with particular relation to the hours the polls are to be open, and the hour the Board of Election Commissioners shall meet for the purpose of counting the ballots.

The yeas and nays being taken on said motion by Senator Thomas were as follows, viz:

Those who voted in the affirmative were—

Martin J. Duffy	James Lassiter	Richard P. Moloney
Ernest M. Ford	Homer E. Losey	Clay Shackleford
Doug Hays	C. W. A. McCann	Otis C. Thomas
Stanley Hoffman	James R. Mansfield	John M. Williams
Dr. J. E. Johnson	Strother Melton	—14

Those who voted in the negative were—

H. Stanley Blake	Bert Kiser	Cortis K. Stacy
Wayne Freeman	Earl F. Martin	Paul Stapleton
Julian Golden	O. W. Montgomery	Wendell Van Hoose
James P. Hanratty	Freeman Robinson	Sylvester Wagner
Thomas Hines	William J. Sample	E. V. Withers
		—15

Said motion was disagreed to.

Thereupon said motion was lost.

Senator Stapleton moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	Freeman Robinson	Sylvester Wagner
James P. Hanratty	William J. Sample	Ed P. Warinner
Thomas Hines	Cortis K. Stacy	E. V. Withers

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Those who voted in the negative were—

H. Stanley Blake	Dr. J. E. Johnson	O. W. Montgomery
Louis Cox	Bert Kiser	Clay Shackleford
Archie Craft	James Lassiter	Paul Stapleton
Martin J. Duffy	Homer E. Losey	Otis C. Thomas
Ernest M. Ford	C. W. A. McCann	John M. Williams
Doug Hays	James R. Mansfield	
Stanley Hoffman	Strother Melton	

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Thereupon said bill was rejected.

The Senate took up for consideration from the Orders of the Day bills of the following titles, viz:

H. B. No. 169. AN ACT concerning annexation of territory to cities of the third class.

H. B. No. 132. AN ACT relating to survival of actions, amending section 411.140 of the Kentucky Revised Statutes.

H. B. No. 139. AN ACT concerning stockyards.

S. B. No. 123. AN ACT relating to deadly weapons.

S. RES. No. 12. A RESOLUTION concerning Fair Trade Laws.

Senator Moloney moved that consideration of said bills be deferred and that same be allowed to retain their places in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled as follows:

H. B. No. 42. AN ACT relating to the reappraisal of property for ad valorem taxes in cities, counties and other taxing districts.

Senator Melton moved that said bill be recommitted but be allowed to retain its three readings.

Said motion was agreed to.

Senator Moloney moved that, out of respect to the late Mr. George Roberts, uncle of Senator Reynolds, the Senate do now adjourn until 11 a. m., Thursday, February 28, 1952.

Said motion was agreed to.

And then the Senate adjourned.

THURSDAY, FEBRUARY 28, 1952

The Senate convened and was called to order by the President Pro tem of the Senate, Honorable Lewis Cox, Senator.

The Senate was opened with prayer by Reverend Glenn H. Stephens, Pastor of the South Frankfort Presbyterian Church, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Julian Golden	C. W. A. McCann
Eugene H. Clark	James P. Hanratty	Earl F. Martin
Augustus Cornett	Doug Hays	Strother Melton
Louis Cox	Thomas Hines	Richard P. Moloney
Archie Craft	Stanley Hoffman	O. W. Montgomery
Martin J. Duffy	Alvin Kidwell	Freeman Robinson
Ernest M. Ford	Bert Kiser	Clay Shackleford
Wayne Freeman	James Lassiter	Cortis K. Stacy

Paul Stapleton	Sylvester Wagner	John M. Williams
Wendell Van Hoose	Ed P. Warinner	E. V. Withers

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The following Senators were absent—

Bernard J. Bonn	James R. Mansfield	Leon Shaikun
Dr. J. E. Johnson	Jack R. Reynolds	Otis C. Thomas
Homer E. Losey	William J. Sample	

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Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings for Wednesday, February 27, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

Senator Stapleton moved that the vote, by which House Bill No. 14 was rejected on February 27, 1952, be reconsidered and that said bill be placed in the Orders of the Day.

Said motion was agreed to.

Said bill is entitled as follows, viz:

H. B. No. 14. AN ACT relating to elections, both regular and primary, with particular relation to the hours the polls are to be open, and the hour the Board of Election Commissioners shall meet for the purpose of counting the ballots.

Ordered that said bill be placed in the Orders of the Day.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Senator McCann.

S. B. No. 243. AN ACT concerning examinations of attorneys at law.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Persons licensed to practice law in the courts of this state, and who earn an average grade of seventy-five percent for all sections or portions of the examination conducted by the board of bar examiners, shall be examined as to their qualifications every two years thereafter. Such persons who earn an average grade of eighty percent for all sections or portions of the first examination, and persons who earn such grade on subsequent examinations shall be examined as to their qualifications every three years thereafter. Such persons who earn an average grade of eighty-five percent for all sections or portions of the first examination, and persons who earn such grade on subsequent examinations, shall be examined as to their qualifications every four years thereafter. Such persons who earn an average grade of ninety percent for all sections or portions of the first examination, and persons who earn such grade on subsequent examinations, shall be examined as to their qualifications every five years thereafter. Such persons who earn an average grade of ninety-five percent for all sections or portions of the first examination, and persons who earn such grade on subsequent examinations, shall be examined as to their qualifications every seven years thereafter. Such persons who earn a grade of one hundred percent on the first examination, and persons who earn such grade on subsequent examinations, shall be examined as to their qualifications at any time within ten years thereafter.

By Senator Shackelford.

S. B. No. 244. AN ACT relating to the use of recording devices in circuit courts and authorizing their purchase.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Any circuit judge may, if he deems it necessary to aid the court and the stenographic reporter, require that a device for the recording of the testimony be used in any proceeding in a circuit court; provided that such a device may not be used for recording the testimony in a proceeding unless the regular or a special stenographic reporter is present to take full stenographic notes of the proceeding.

2. The fiscal court of any county may purchase a recording device for the use of the circuit court of that county if it deems the purchase of such a device to be to the best interest of the county, considering the county finances and other permissible expenditures.

3. Recording device, as used in this act, means any device, materials and appurtenances, by which the voices of speakers are recorded so that they may be reproduced later in audible form.

By Senator Montgomery.

S. B. No. 245. AN ACT providing for the establishment, construction, maintenance and operation of regional schools.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Each school district shall provide substantially equal educational services for the children of all races residing in its district. When the number of children of the colored race is not sufficient to make possible substantially equal educational services, boards of education of any two or more contiguous school districts may by concurrent action enter into a long-term agreement to construct, operate and maintain regional schools. Schools established as regional schools shall be subject to the same laws and regulations governing the operation of public schools.

(2) For the purpose of providing school buildings and equipment to be used in connection with regional schools as provided by this Act, each board of education entering into the agreement shall contribute to the cost thereof in proportion to the ratio which the school district's colored population bears to the total colored population of the region to be served.

(3) For the purpose of operating and maintaining regional schools as provided for in this Act, each board of education entering into the agreement shall contribute to the cost annually in monthly installments, in proportion to the ratio which the school district's average daily membership of colored pupils

bears to the total average daily membership of colored pupils of the region to be served.

(4) Each board of education entering into agreement to operate regional schools as provided for in this Act shall hold title to its undivided interest in the school property in proportion to its investment: Provided, that the local controlling authority of the regional school shall be vested in the board of education of the school district in which the school property is located.

By Senator Stapleton.

H. B. No. 246. AN ACT relating to the payment of wages of deceased employes without administration.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

It shall be lawful for any employer (including without limitation thereon the state or a political subdivision thereof or a municipal corporation) at any time not less than thirty days after the death of his or its employe, to pay all wages or personal earnings due to such deceased employe to (1) the surviving spouse, (2) any one or more of the children eighteen years of age or older, or (3) the father or mother of the deceased employe, preference being given in the order named, without requiring letters testamentary or letters of administration to be issued upon the estate of such deceased employe, where such wages or personal earnings do not exceed the sum of one hundred and fifty dollars. The payment of such wages or personal earnings shall be a full discharge and release to the employer from any claim for such wages or personal earnings. If letters testamentary or letters of administration are thereafter issued upon the estate of such deceased employe, any person receiving payment of wages or personal earnings under this section shall be liable to the executor or administrator for the sum received by him or her.

Ordered that said bills be printed and referred.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 178. AN ACT relating to the allowance to sheriffs for patrol duties and inspection of dance halls, road houses and other places.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 177. AN ACT relating to the fees of sheriffs.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 400. AN ACT relating to redistricting the Com-

monwealth of Kentucky into eight Congressional Districts, amending Section 120.060 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 176. AN ACT providing mileage for sheriffs in the various counties of the Commonwealth of Kentucky for the mileage traveled in the service of notices, subpoenas, and summons. (With Committee Amendments).

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

S. Res. No. 23. RESOLUTION authorizing the payment to V. T. C. Lines, Inc., of three hundred and forty ($340.00) dol-

lars, being the amount due said Company for having transported members of the Kentucky National Guard during an emergency.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 210. AN ACT relating to the transfer of the Division of Child Welfare to the Kentucky Children's Bureau within the Department of Welfare, and services to needy children.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Cortis K. Stacy
Louis Cox	James Lassiter	Paul Stapleton
Archie Craft	Homer E. Losey	Wendell Van Hoose
Martin J. Duffy	C. W. A. McCann	Sylvester Wagner
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	Strother Melton	John M. Williams
Doug Hays	Richard P. Moloney	E. V. Withers
Thomas Hines	O. W. Montgomery	

—29

There voted in the negative—

Julian Golden —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up from the Orders of the Day a bill of the following title, viz:

S. B. No. 209. AN ACT relating to and regulating advertising signs or devices on or adjacent to public highways, and providing penalties.

Senator Moloney offered Amendment No. 1 to said bill. Said Amendment is as follows, viz:

Amendment No. 1 To S. B. No. 209

Amend printed copy of S. B. 209

on page 2, section 2, line 4

by striking out the period after the word "highway", substituting a comma, and adding the following:

"except as provided in this Act. This Act shall not apply to directional and informational signs erected by the Department of Highways, or by any other State or local governmental agency, with the approval of the Commissioners."

Senator Moloney moved the adoption of Amendment No. 1.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney offered Amendment No. 2, as follows, viz:

Amendment No. 2 To Senate Bill No. 209

Amend printed copy of S. B. 209 on page 3, section 4, line 14 by striking out lines 14, 15 and 16 and inserting in lieu thereof the following:

"greater than one year and a fee, or a proportionate part thereof for a part of a year, shall be charged for each permit at the following rates: up to fifty square feet of surface, $2.50; over fifty and less than one hundred square feet, $5.00; over 100 square feet, $10.00. No such permit shall be issued for any such"

Senator Moloney moved the adoption of Amendment No. 2.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved that consideration of said S. B. No. 209 be deferred and that it be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 146. AN ACT relating to liens, amending section 376.150 of the Kentucky Revised Statutes.

Senator Martin moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Eugene H. Clark	Dr. J. E. Johnson	Clay Shackleford
Augustus Cornett	Alvin Kidwell	Leon Shaikun
Louis Cox	Bert Kiser	Cortis K. Stacy
Archie Craft	James Lassiter	Paul Stapleton
Martin J. Duffy	Homer E. Losey	Wendell Van Hoose
Wayne Freeman	C. W. A. McCann	Sylvester Wagner
Julian Golden	Earl F. Martin	Ed P. Warinner
James P. Hanratty	Strother Melton	John M. Williams
Doug Hays	Richard P. Moloney	E. V. Withers
Thomas Hines	O. W. Montgomery	
Stanley Hoffman	Freeman Robinson	—31

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 224. AN ACT relating to the furnishing of school services to children in certain state institutions.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Thomas Hines	Clay Shackleford
Eugene H. Clark	Stanley Hoffman	Leon Shaikun
Augustus Cornett	Alvin Kidwell	Cortis K. Stacy
Louis Cox	Bert Kiser	Paul Stapleton
Archie Craft	James Lassiter	Wendell Van Hoose
Martin J. Duffy	C. W. A. McCann	Sylvester Wagner
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	Strother Melton	John M. Williams
Julian Golden	Richard P. Moloney	E. V. Withers
James P. Hanratty	O. W. Montgomery	
Doug Hays	Freeman Robinson	—31

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 223. AN ACT appropriating funds from the Gen-

eral Expenditure Fund for the payment of prior year claims for the fiscal year ending June 30, 1952.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Clay Shackleford
Eugene H. Clark	Thomas Hines	Leon Shaikun
Augustus Cornett	Stanley Hoffman	Cortis K. Stacy
Louis Cox	Alvin Kidwell	Paul Stapleton
Archie Craft	Bert Kiser	Wendell Van Hoose
Martin J. Duffy	James Lassiter	Sylvester Wagner
Ernest M. Ford	C. W. A. McCann	Ed P. Warinner
Wayne Freeman	Earl F. Martin	John M. Williams
Julian Golden	Strother Melton	E. V. Withers
James P. Hanratty	Richard P. Moloney	

—29

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 222. AN ACT relating to the investment of state funds and moneys; amending KRS 41.380.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	O. W. Montgomery
Eugene H. Clark	Thomas Hines	Clay Shackleford
Augustus Cornett	Alvin Kidwell	Leon Shaikun
Louis Cox	Bert Kiser	Cortis K. Stacy
Archie Craft	James Lassiter	Paul Stapleton
Martin J. Duffy	Homer E. Losey	Wendell Van Hoose
Ernest M. Ford	C. W. A. McCann	Sylvester Wagner
Wayne Freeman	Earl F. Martin	John M. Williams
Julian Golden	Strother Melton	E. V. Withers
James P. Hanratty	Richard P. Moloney	

—29

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was

passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 226. AN ACT providing the manner and time of election members of county Boards of Education in counties containing a city of the first class, if and when an independent school district in a city of the first class is merged with the county school district, and providing for the filling of vacancies in office.

Senator Shaikun moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Ernest M. Ford	Stanley Hoffman
Eugene H. Clark	Wayne Freeman	Alvin Kidwell
Augustus Cornett	Julian Golden	Bert Kiser
Louis Cox	James P. Hanratty	James Lassiter
Archie Craft	Doug Hays	C. W. A. McCann
Martin J. Duffy	Thomas Hines	Earl F. Martin

Strother Melton	Leon Shaikun	John M. Williams	
Richard P. Moloney	Cortis K. Stacy	E. V. Withers	
William J. Sample	Paul Stapleton		
Clay Shackleford	Sylvester Wagner		–28

Those who voted in the negative were–

Homer E. Losey	Wendell Van Hoose	–2

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled as follows, viz:

S. B. No. 195. AN ACT relating to planning and zoning in cities of the third, fourth, fifth and sixth classes. (With Committee amendments)

Senator Hoffman moved the adoption of Committee Amendment No. 1.

Said motion was disagreed to.

Senator Stapleton moved that consideration of said bill be deferred and that it be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 227. AN ACT changing the terms of court in the thirty-ninth Judicial District.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Thomas Hines	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	C. W. A. McCann	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warinner
Julian Golden	Richard P. Moloney	E. V. Withers

—27

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day bills and a resolution entitled, viz:

S. Res. No. 12. A RESOLUTION concerning Fair Trade Laws.

S. B. No. 123. AN ACT relating to deadly weapons.

S. B. No. 162. AN ACT relating to administrative agencies

of the state government; including provisions as to the preparation, filing, effectiveness and publication or distribution of administrative regulations, procedure before administrative agencies, and judicial review of the actions of administrative agencies.

S. B. No. 187. AN ACT relating to the establishment and maintenance of high schools in cities with a population of 200,000 or more.

Senator Moloney moved that consideration of said bills and resolution be deferred and that same be allowed to retain their place in the Orders of the Day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 185. AN ACT relating to civil jurisdiction of quarterly and justices' courts.

Senator Golden offered the following amendment, viz:

AMENDMENT NO. 1 TO SENATE BILL NO. 185

Amend Senate Bill No. 185 on page 1, line 9

by striking out the words "not more than five hundred dollars" and inserting in lieu thereof the following:

"not more than three hundred dollars"

Senator Golden moved the adoption of said amendment.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Golden moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with Amendment be read at length the third time.

Senator Moloney moved that the constitutional provision as

to the third reading at length of said bill, with amendment be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill, with amendment having been dispensed with, said bill, with amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Louis Cox	Bert Kiser	Leon Shaikun
Archie Craft	James Lassiter	Cortis K. Stacy
Martin J. Duffy	Homer E. Losey	Paul Stapleton
Wayne Freeman	C. W. A. McCann	Wendell Van Hoose
Julian Golden	Earl F. Martin	Sylvester Wagner
James P. Hanratty	Strother Melton	Ed P. Warinner
Doug Hays	Richard P. Moloney	John M. Williams
Thomas Hines	O. W. Montgomery	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 212. AN ACT relating to pleading, practice and procedure in civil actions and criminal proceedings.

Senator Shackelford offered the following amendment:

"On page 1, section 1, line 2 by making the word 'section' read 'sections'."

Senator Shackelford moved the adoption of said amendment.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Shackelford moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment, be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill, with amendment be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill, with amendment having been dispensed with, said bill, with amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Wayne Freeman	Bert Kiser
Eugene H. Clark	Julian Golden	James Lassiter
Augustus Cornett	James P. Hanratty	Homer E. Losey
Louis Cox	Doug Hays	C. W. A. McCann
Archie Craft	Thomas Hines	Earl F. Martin
Martin J. Duffy	Stanley Hoffman	Strother Melton
Ernest M. Ford	Alvin Kidwell	Richard P. Moloney

William J. Sample	Cortis K. Stacy	John M. Williams
Clay Shackleford	Paul Stapleton	E. V. Withers
Leon Shaikun	Wendell Van Hoose	

—29

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled as follows, viz:

S. B. No. 135. AN ACT to prevent trespassing upon posted railroad property.

Senator Moloney moved that consideration of said bill be deferred and that same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 139. AN ACT concerning stockyards.

Senator Hoffman moved that said bill be recommitted but that it retain its three readings.

Said motion was agreed to.

Senator Moloney moved that the Senate do now recess until 1:30 P.M.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, Senator Shaikun assumed the Chair and presided over the Senate.

REFERRAL OF BILLS

Senator Moloney, chairman of the Committee on Committees announced the referral of the following bills and a resolution:

S. B. No. 242. Appropriations

S. Res. No. 30. Claims

S. B. No. 240. Classification of towns and cities

S. B. No. 238. Compensation for industrial injuries

S. B. No. 245. Education

S. B. No. 244. Judiciary

S. B. No. 231. Judiciary

S. B. No. 236. Judiciary

S. B. No. 243. Kentucky Statutes No. 1

S. B. No. 241. Kentucky Statutes No. 1

H. Res. No. 44, S. B. No. 229, S. B. No. 230, S. B. No. 233, S. B. No. 234, Kentucky Statutes No. 2

S. B. No. 235, S. B. No. 239, H. B. No. 137, H. B. No. 280. H. B. No. 308, S. B. No 232, Municipalities

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S B. No. 162. AN ACT relating to administrative agencies of the state government; including provisions as to the preparation, filing, effectiveness and publication or distribution of administrative regulations, procedure before administrative agencies, and judicial review of the actions of administrative agencies.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Thomas Hines	Freeman Robinson
Eugene H. Clark	Stanley Hoffman	William J. Sample
Augustus Cornett	Alvin Kidwell	Leon Shaikun
Archie Craft	Bert Kiser	Cortis K. Stacy
Martin J. Duffy	Homer E. Losey	Wendell Van Hoose
Ernest M. Ford	C. W. A. McCann	Sylvester Wagner
Wayne Freeman	Earl F. Martin	Ed P. Warinner
Julian Golden	Strother Melton	John M. Williams
James P. Hanratty	Richard P. Moloney	E. V. Withers
Doug Hays	O. W. Montgomery	—29

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 123. AN ACT relating to deadly weapons.

Senator Cornett moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	James Lassiter	Leon Shaikun
Archie Craft	Homer E. Losey	Cortis K. Stacy
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Wayne Freeman	C. W. A. McCann	Sylvester Wagner
Julian Golden	Strother Melton	Ed P. Warinner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
W. Thomas Hines	Freeman Robinson	—29

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 216. AN ACT relating to alleged mental incompetents.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Clay Shackleford
Martin J. Duffy	James Lassiter	Leon Saikun
Ernest M. Ford	Earl F. Martin	Cortis K. Stacy
Wayne Freeman	Strother Melton	Wendell Van Hoose
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	Freeman Robinson	E. V. Withers
Thomas Hines	William J. Sample	—20

There voted in the negative—

Julian Golden —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORTS OF COMMITTEES

Senator Cox, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported bills of the following titles, viz:

S. B. No. 239. AN ACT relating to powers of corporations: Amending Section 271.125 of the Kentucky Revised Statutes.

H. B. No. 280. AN ACT relating to the use of professional titles.

S. B. No. 233. AN ACT relating to the letting of work by the Commissioners of Water Districts, amending Kentucky Revised Statutes 74.260.

S. B. No. 215. AN ACT relating to the construction of bridges by adjoining states over boundary line streams between this state and another and the reciprocal exemption thereof from taxes.

H. B. No. 137. AN ACT relating to the practice of medicine and osteopathy.

S. B. No. 235. AN ACT relating to the licensing of paint sprayers.

S. B. No. 234. AN ACT relating to property escheated to the state.

With expression of opinion that same should pass.

Whereupon, said bills were read at length for the first time and

Ordered placed in the Calendar.

Senator Shackelford, Chairman of the Committee on Judiciary and Judicial Council, to which same had been previously referred, reported a bill of the following titles, viz:

S. B. No. 207. AN ACT relating to Partnerships.

With expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Senator Lassiter, Chairman of the Committee on Claims, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 158. AN ACT relating to the distribution of In-Lieu Payments made by the Tennessee Valley Authority.

With expression of opinion that same should pass, with Amendment by way of Committee Substitute, which is as follows, viz:

Committee substitute for Senate Bill No. 158

AN ACT relating to the distribution of In-Lieu Payments made by the Tennessee Valley Authority

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Except for payments made directly by the Tennessee Valley Authority to counties, the total fiscal year payment received by the Commonwealth of Kentucky from the Tennessee Valley Authority, as authorized by Section 13 of the Tennessee Valley Authority Act as amended, shall be prorated thirty per cent to the General Fund of the Commonwealth and seventy per cent among counties, cities, and school districts as provided in subsection (2).

(2) The payment to each county, city, and school district shall be determined by the proportion that the book value of Tennessee Valley Authority property in such taxing district, multiplied by the current tax rate, bears to the total of the book values of Tennessee Valley Authority property in all such taxing districts in the Commonwealth, multiplied by their respective tax rates.

(3) As soon as practicable after the amount of payment to be made to the Commonwealth of Kentucky is finally determined by the Tennessee Valley Authority, the Kentucky Department of Revenue shall determine the book value of Tennessee Vally Authority property in each county, city, and school district and shall prorate the total payment received from the Tennessee Valley Authority, except payments received directly from the Tennessee Valley Authority, among the distributees as provided in subsection (2). The Department of Revenue shall certify the payment due each taxing district to the Department of Finance which shall make the payment to such district.

(4) As used in subsection (2) and (3) of this section, "Tennessee Valley Authority Property" means land owned by the United States and in the custody of the Tennessee Valley Authority, together with such improvements (including work in progress but excluding temporary construction facilities) as have a fixed situs thereon if and to the extent that such improvements either: (a) were in existence when title to the land on which they

are situated was acquired by the United States or (b) are allocated by the Tennessee Valley Authority or determined by it to be allocable to power; provided however, that manufacturing machinery as interpreted by the Department of Revenue for franchise tax determination shall be excluded. As used in said subsections "book value" means original cost less accrued depreciation as reflected in Tennessee Valley Authority's books of account. "Book value" shall be determined, for purposes of applying said subsections, as of the June 30 used by the Tennessee Valley Authority in computing the annual payment to the Commonwealth which is subject to redistribution by the Commonwealth.

(5) This Act shall be applicable to all payments received after June 30, 1954 from the Tennessee Valley Authority under Section 13 of the Tennessee Valley Authority Act as amended.

Whereupon said bill with amendment by way of Committee Substitute was read at length for the first time and

Ordered placed in the Calendar.

Senator Reynolds, Chairman of the Committee on Public Utilties, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 154. AN ACT relating to service and sale of natural gas to owners of property where gas wells or gas pipe lines are located.

With expression of opinion that same should pass; with Committee Amendment as follows, viz:
Committee Amendment

Amend printed copy of H. B. No. 154 on page 1, line 5

By striking therefrom the period after the word "commission" and substituting therefor a semicolon and the following: "Provided, that nothing contained herein shall be construed as requiring any gas pipe line company to serve any such owner of property from lines established on the discharge side of any compressor station."

Whereupon said bill with Committee Amendment was read at length for the first time and

Ordered placed in the Calendar.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills and resolutions which originated in that body of the following titles, viz:

H. Res. No. 11. A JOINT RESOLUTION authorizing Curt McCarty, as the next friend of H. K. McCarty, an infant, to sue the Commonwealth of Kentucky and the Department of Military Affairs, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Curt McCarty, as the next friend of H. K. McCarty, an infant of Henry County, Kentucky, for and on behalf of Curt McCarty, is authorized to sue the Commonwealth of Kentucky and the Department of Military Affairs, or either in the Gallatin Circuit Court, for damages resulting from personal injuries and medical expenses caused by alleged negligence on the part of employes of the Department of Military Affairs while acting in the line of duty.

Section 2. The suit shall be for a sum not in excess of ten thousand dollars.

Section 3. The Attorney General may investigate the claim herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not

be introduced as evidence, nor commented upon by counsel in argument to the jury.

H. Res. No. 23. A RESOLUTION authorizing the payment of costs and attorneys' fees in the contest case of Frazier v. Greene.

Said resolution is as follows, viz:

WHEREAS, W. B. Frazier instituted a contest against Charles M. Greene before the House of Representatives, contesting the seat of said Greene therein as Represntative from the County of Knox; and

WHEREAS, said contest has been determined by the said House in favor of said Greene, and he has taken his seat as such Representative, and

WHEREAS, it appears that in connection with said contest, the said Frazier has expended the sum of $600 for attorneys' fees to Joseph J. Leary and associates and that the said Greene has expended the sum of $300 for attorney's fees to Kenneth H. Tuggle, the sum of $300 for attorney's fees to Carlos Beaumont Pope and the sum of $85 for depositions,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the Legislative Fund the sum of $600 to the Honorable Joseph J. Leary, attorney for contestant; the sum of $300 to the Honorable Kenneth H. Tuggle, attorney for contestee; the sum of $300 to the Honorable Carlos Beaumont Pope, attorney for contestee; the sum of $85 to Charles M. Greene for depositions taken in connection with said contest; and the Commissioner of Finance is hereby directed to draw his warrants upon the State Treasurer in favor of the above mentioned parties for the amounts above specified.

H. Res. No. 25. A JOINT RESOLUTION authorizing the payment of a claim against the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That G. G. Hibbard, former sheriff of Clay County, Kentucky, has a valid and unpaid claim against the Commonwealth of Kentucky in the amount of $257.03 for services rendered in September, 1939, in traveling to Texas and returning to Clay County one William Pennington, a fugitive from justice on a charge of obtaining money and property under false pretenses.

Section 2. That there is hereby appropriated out of the General Expenditure Fund in the State Treasury the sum of $257.03 for the payment of the claim authorized herein. The Commissioner of Finance shall draw his warrant upon the State Treasurer in favor of G. G. Hibbard for the amont authorized.

H. Res. No. 30. A RESOLUTION, authorizing Blanche Kibbey to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both.

Said resolution is as follows, viz:

WHEREAS, on or about the 24th day of August, 1951, Blanche Kibbey of Rooney, Carter County, Kentucky, was then and there operating an automobile owned by her husband, W. O. Kibbey, of Rooney, Carter County, Kentucky, upon Main Street in the unincorporated town of South Shore, Greenup County, Kentucky; and,

WHEREAS, at said time and place said Blanche Kibbey was operating the motor vehicle that belonged to her husband in a careful and prudent manner and at a reasonable rate of speed, and that she was proceeding South on said Main Street, that when she approached the intersection of said Main Street and U. S. Highway No. 23, there was no warning signal, stop sign, caution light, or any warning whatsoever that said Main Street intersected with U. S. Highway No. 23, that the Department of Highway through it's agent and employees were on notice of the dangerous condition of the intersection, that they were on notice that there was not any warning signal at said intersection, that the said Department of Highways did not have

suitable and proper notification or warning signs at said intersection, and that the failure of the Department of Highways to maintain suitable and proper notification or warning signs relating to the dangerous intersection of Main Street and U. S. Route No. 23, was of such a careless and negligent nature as to cause the said Blanche Kibbey to collide with a motor vehicle owned and being operated by Thomas J. Witten of Tannery, Lewis County, Kentucky, at the intersection of said Main Street in South Shore, Greenup County, Kentucky, and U. S. Route No. 23; and

WHEREAS, as a direct and proximate result of said alleged negligence and carelessness on the part of the Department of Highways and the Commonwealth of Kentucky, through their agents and employees, in their failure to have sufficient, suitable, or proper notification or warning signals at said intersection at said time and place the said Blanche Kibbey received severe wounds and injuries to her person and she is permanently injured and her power to earn money has been permanently impaired and reduced and she incurred considerable expense incident to the treatment of her injuries;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section I: That Blanche Kibbey be and she is hereby authorized, permitted, and empowered to sue the Commonwealth of Kentucky and Department of Highways, either or both of them, in such sums as will fairly and reasonably compensate her for the injuries and damages, if any, sustained by her as a direct and proximate result of the negligence, if any, of the Department of Highways and Commonwealth of Kentucky, through their agents and employees, in failing to maintain sufficient, proper, and suitable notification or warning signals at said intersection at said time and place, not exceeding, however, the sum of $25,000.00 (Twenty-Five Thousand Dollars) for personal injuries.

Section II: That the action herein authorized and permitted may be brought in the Greenup Circuit Court, same being the Circuit Court having jurisdiction in Greenup County, Kentucky,

and being the County in which the injuries and damages were incurred. Said suit shall be commenced within one year from the effective date of this Resolution and no plea of limitation shall be interposed if commenced within that time.

Section III. That any party to said action may appeal from any judgment which may be rendered by the Greenup Circuit Court to the Court of Appeals of Kentucky as in any other civil suit, and the same may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise, the amount so adjudged or compromised shall be paid by the Commissioner of Finance by warrant drawn upon the State Treasurer and paid out of the State Road Fund.

Section IV: No statement in this resolution shall be considered by either the court or jury as an admisison of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

H. Res. No. 31. A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Nancy Combs, of Vicco, Kentucky, committee for John Combs.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Nancy Combs, of Vicco, Kentucky, committee for John Combs, posses a pauper idiot claim in the amount of $37.50 which was allowed by the Perry Circuit Court at the November, 1949 term.

It appearing that the claim was not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that the claim is a just claim against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay the claim when presented by Nancy Combs, of Vicco, Kentucky, and the Statute of

Limitations as now provided by law shall not be a bar to the payment of the claim, and the amount necessary to pay it, being $37.50 is hereby appropriated out of the General Expenditure Fund in the State Treasury for that purpose.

H. Res. No. 32. A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Eli Campbell, of Cornettsville, Kentucky, committee for Ivan Campbell.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Eli Campbell, of Cornettsville, Kentucky, committee for Ivan Campbell, possesses a pauper idiot claim in the amount of $37.50 which was allowed by the Perry Circuit Court at the February, 1950, term.

It appearing that the claim was not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that the claim is a just claim against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay the claim when presented by Eli Campbell, of Cornettsville, Kentucky, and the Statute of Limitations as now provided by law shall not be a bar to the payment of the claim, and the amount necessary to pay it, being $37.50, is hereby appropriated out of the General Expenditure Fund in the State Treasury for that purpose.

H. Res. No. 38. A JOINT RESOLUTION authorizing Oscar Crawford, of Hardin County, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Oscar Crawford, of Hardin County, is authorized to sue the Department of Highways and the Commonwealth of Kentucky, or either, in the Hardin Circuit Court, for property damages caused by the construction of a highway by the Department of Highways.

Section 2. Said suit shall be for a sum not in excess of $10,000.

Section 3. The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky. No plea of limitations shall be interposed.

H. Res. No. 40. A JOINT RESOLUTION providing for the purchase and distribution of copies of the Kentucky Directory, 1952 Edition.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the State Librarian shall purchase copies of the "Kentucky Directory 1952," in the same quantity, for the same price, and under the same terms and conditions, and distribute the copies in the same manner and to the same persons and places, as provided in Chapter 269 of the Acts of 1948 for the 1948 Kentucky Directory. Payment therefor shall be made out of the sum appropriated for that purpose for the 1952-1953 fiscal year.

H. B. No. 133. AN ACT relating to the disposition of fines and forfeitures resulting from convictions for violations of the provisions of sections 189.221, 189.222 and 189.270 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Notwithstanding any other statutory provisions to the contrary, all fines and forfeitures recovered in any court as a result of a conviction for the violation of any of the provisions of KRS

189.221, 189.222 or 189.270, which violation occurred on a state-maintained highway and arrest was made by a member of a city police force, shall inure to the benefit of the state, shall be paid into the General Fund of the State Treasury, and no part shall be returned to the local governmental units from which they were sent.

H. B. No. 172. AN ACT relating to persons handicapped as a result of cerebral palsy, poliomyelitis, muscular dystrophy, or spina bifida.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Department" shall mean the Department of Health;

(2) "Commissioner" shall mean the Commissioner of Health;

(3) "Physically handicapped person" shall mean a person who is severely handicapped as a result of cerebral palsy, poliomyelitis, muscular dystrophy, or spina bifida;

(4) "Educable person" shall mean a physically handicapped person, as defined above, who is determined by the Department to be capable of receiving and benefitting from the services and facilities provided by this Act;

(5) "Funds" shall mean all moneys received by the department from all persons, corporations, associations, organizations, and state or federal government agencies, specifically designated to be used for furnishing facilities and services for educable persons; provided, however, that no moneys appropriated to the department by the General Assembly of this Commonwealth shall be considered to have been appropriated for establishing, providing or maintaining services or facilities for educable persons, unless the Act appropriating such moneys expressly so provides.

Section 2. The purpose of this Act is to provide for the

acceptance, custody and use, by the Commonwealth of Kentucky, of funds and properties that may be given, granted, contributed, donated, bequeathed, devise and conveyed for the hospitalization, training, education and care of physically handicapped persons, including grants that may be made for said purposes by the government of the United States of America.

Section 3. To the extent that funds are made available, the department may establish, provide and maintain facilities and services, including hospital-schools and related medical and nursing care, and vocational, academic and recreational training, instruction and education, for physically handicapped persons who are, in the judgment of the department, found to be educable after examination and diagnosis conducted in accordance with procedures prescribed by the department.

Section 4. (1). The commissioner may, from the funds available, employ, by contract or otherwise such medical, clinical, technical and other personnel that he deems necessary to effectuate the purposes of this Act, and fix and pay their compensation and necessary traveling expenses.

(2) The commissioner may, from the funds available, procure, by purchase or lease or otherwise, such property, equipment, services, facilities and supplies that he deems necessary to effectuate the purposes of this Act.

(3) The commissioner is authorized to accept, on behalf of the Commonwealth of Kentucky, all gifts, donations, contributions, grants, devises, bequests and conveyances of real and personal property for establishing, providing and maintaining the services and facilities described in section 3 of this Act, subject only to the condition that same shall be devoted to and used for said purposes. All funds received by the commissioner shall be deposited in the State Treasury and credited to a trust and agency fund account and expended only for purposes authorized by this Act.

(4) The commissioner may make and issue all necessary rules and regulations to carry out this Act; provided, however, that no educable person shall be eligible for any benefits hereunder unless he is, and has been continuously for at least twelve

months immediately preceding the date of his application therefor, an actual resident of this state.

(5) The commissioner may delegate to any division of the department, or to any director thereof, any and all of his authority and duties hereunder.

(6) Upon request of the commissioner, approved in writing by the Governor, any department, agency or commission of the Commonwealth shall furnish without cost to the department such services, facilities and assistance as are available and, in the judgment of the commissioner and the Governor, required, to effectuate the purposes of this Act or its administration which is hereby vested in the department.

H. B. No. 175. AN ACT concerning equipment of vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) No person shall drive or operate or cause to be driven or operated any commercial car, trailer or semi-trailer, used for the transportation of goods or property, upon the public highways, streets, bridges and culverts within the State of Kentucky or any sub-division thereof, unless such vehicle is equipped with suitable protectors or substantial flexible flaps on the rear-most wheels of such vehicles or combination of vehicles to prevent as far as practicable such wheels from throwing dirt, water or other materials on the windshields of the trailing vehicles.

(2) Such protectors or flaps shall have a ground clearance of not more than one-fifth of the distance from the center of the rear-most axle to the center of the flaps under any conditions of loading of the motor vehicle, shall be at least as wide as the tires they are protecting, provided, however, that if the motor vehicle is so designed and constructed that the above requirements are accomplished by means of fenders, body construction or other means of enclosure, then no such protectors or flaps shall be required, and further provided that rear wheels not covered at the top of fenders, bodies or other parts of the vehicle

shall be covered at the top by protective means extending at least to the center line of the rear-most axle.

(3) Any person found guilty of a violation of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than twenty-five dollars.

H. B. No. 254. AN ACT relating to inspection of state mental institutions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Kentucky Legislative Research Commission shall conduct periodic inspections of each of the state mental institutions in the Commonwealth and report a summary of its findings in writing to the General Assembly not later than the first week of each of its regular sessions. For the purpose of carrying out the provisions of this Act the Legislative Research Commission is authorized to appoint a subcommittee of not more than eleven members of the General Assembly.

H. B. No. 284. AN ACT relating to Game and Fish.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1 Section 150.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Angling" means the taking or attempting to take fish by hook and line in hand, rod in hand, set line or trot line, but does not include the use of grabbling hooks, gang hooks, snag lines, gigs, or nets of any kind.

(2) "Buy" includes offering to buy, acquiring or possessing through purchase, barter, exchange or trade.

(3) "Commission" means the Department of Fish and Wild Life Resources Commission.

(4) "Commissioner" means the Commissioner of the Department of Fish and Wild Life Resources.

(5) "Device" means any article, instrument or equipment of whatever nature or kind which may be used to take wild animals, wild birds or fish.

(6) "Department" means the Department of Fish and Wild Life Resources.

(7) "Grabbling" means the taking of fish by hooking, snatching or snagging by the use of one or more single or multi-barbed hooks on either a hand or pole line.

(8) "Gigging" means the taking of fish by spearing or impaling on any pronged or barbed instrument attached to the end of a rigid pole.

(9) "Impounded waters" means any public waters backed up by a dam constructed and used for hydroelectric purposes or for the purpose of flood control.

(10) "Navigable waters" means any waters within this state under lock and dam.

(11) "Non-Resident" means a person who has not resided in this state for one year prior to his application for a license.

(12) "Noodling" or "tickling" means the taking of fish from any stream or body of water by hand and without the use of any artificial device.

(13) "Minnows" means all fish under six inches in length, except bass (large and small mouth and Kentucky), rock bass or goggle-eye, trout, crappie, jack salmon, walleye pike or striped bass, sand pike or sauger or muskellunge.

(14) "Public waters" means all waters within the state flowing in a natural channel stream.

(15) "Raw Fur" means a hide, fur or pelt of a fur bearing animal which has not been processed by an established commercial processor. Skinning, stretching, oiling or coloring by the person who took the animal shall not be considered as processing.

(16) "Resident" means any person who has resided in this state for one year prior to his application for a license.

(17) "Rough Fish" means any fish other than black bass (large mouth, small mouth or Kentucky) and crappie, jack salmon or walleye pike, striped bass, sand pike or sauger and muskellunge, rock bass or goggle-eye.

(18) "Sell" includes offering to sell, having or possessing for sale, barter, exchange or trade.

(19) "Snag Line" means any set line anchored at one or more terminal points in any stream or body of water which contains one or more hooks, either single or multi-barbed, and which is used without bait.

(20) "Take" includes pursue, shoot, hunt, wound, kill, trap or capture in any way; and any lesser act designed to lure, attract or entice for such purposes, to place, set, aim or use any device, animal substance or agency which may be reasonably expected to accomplish such acts; every attempt to do such acts or to assist any other person in the doing of or the attempt to do such acts.

(21) "Transport" shall include the offering or receiving for transportation.

(22) "Wild Bird" and "Wild Animal" include such wild bird or wild animal or any part thereof.

(23) "Wild Life" means any wild bird, wild animal, fish, amphibian or other form of aquatic life protected or unprotected by this chapter.

(24) "Regulation" means a written regulation adopted by the Commissioner with the approval of the Commission.

(25) "Prescribed by the Department" means established by a regulation or regulations.

(26) "Hunting" means to take or attempt to take in any manner, whether the hunter has game in possession or not.

(27) "Fishing" means to take or attempt to take in any manner, whether the fisherman has fish in possession or not.

Sec. 2 Section 150.015 of the Kentucky Revised Statutes is amended to read as follows:

The declared purpose of this Act, and the policy of the Commonwealth of Kentucky, is to protect and conserve the wild life of this Commonwealth so as to insure a permanent and continued supply of the wild life resources of this state for the purpose of furnishing sport and recreation for the present and for the future residents of this state; to promote the general welfare of the Commonwealth; to provide for the prudent taking and disposition of wild life within reasonable limits, based upon the adequacy of the supply thereof; to protect the food supply of this state, and to insure the continuation of an important part of the Commonwealth of this state which depends upon the existence of its wild life resources. It is further the declared purpose of this act, and the policy of this Commonwealth, that an adequate and flexible system be installed to accomplish the aforesaid purposes. All of the provisions of this Act shall be liberally construed in such manner as most effectually to carry out its purposes and intent.

Sec. 3 Section 150.021 of the Kentucky Revised Statutes is amended to read as follows:

There is created an agency of the state government to be known as the Department of Fish and Wild Life Resources, which shall constitute a statutory administrative department of the state government within the meaning of Chapter 12 of the KRS. The department shall consist of a Commissioner, a Fish and Wild Life Resources Commission and such Conservation Officers and other agents and employees as are provided for in this chapter. The department shall enforce the laws and regulations adopted under this chapter relating to wild life and shall exercise all powers necessarily incident thereto.

Any powers conferred by this chapter upon the Department of Fish and Wild Life Resources, the Fish and Wild Life Resources Commission, or the Commissioner of the Department of Fish and Wild Life Resources shall be exercised subject to the provisions of KRS chapters 42, 45, 56 and 64, which chapters shall in all respects be controlling, and any reference in those chapters to the Division of Game and Fish, the Game and Fish

Commission, or the Director of the Division of Game and Fish shall be deemed to refer, respectively, to the Department of Fish and Wild Life Resources, the Fish and Wild Life Resources Commission, and the Commissioner of the Department of Fish and Wild Life Resources.

Sec. 4 Section 150.022 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Fish and Wild Life Resources Commission shall consist of nine members, one from each Wild Life District, as set out by the Commissioner with the approval of the Commission, and not more than five of the same political party.

(2) The Governor shall appoint the members of the Commission. Each of such members shall be appointed for a term of four years. All persons who shall be members of the Game and Fish Commission upon the effective date of the 1952 Act by which this section was amended shall continue to serve as members of the Fish and Wild Life Resources Commission until such time as their respective terms as members of the Game and Fish Commission would normally have expired.

(3) Vacancies through the expiration of terms of the members of the Commission shall be filled by appointment by the Governor from a list of five names from each Wild Life District, recommended and submitted by the Sportsmen of each respective district. When the term of a member expires, the Commissioner shall call a meeting of the Sportsmen in that district not later than thirty days prior to the expiration of such member's term. Notice of the meeting shall be given by publication at least two times in a newspaper having state-wide circulation, at least thirty days prior to the date set for the meeting. At such meeting, the Sportsmen in attendance shall select and submit to the Governor a list of five residents and citizens of the district who are well informed on the subject of wild life conservation and restoration. The Governor shall appoint a successor to the member whose term is about to expire within sixty days following the submission to him of the list hereinabove referred to, and in no event later than August 13th.

(4) In the event of vacancies other than by expiration, the Governor shall fill the vacancy for the unexpired part of the term from the names remaining on the list previously submitted for the district from which the vacancy arose.

(5) Each member of the Commission shall take the constitutional oath of office.

(6) The Governor may remove any member of the Commission for inefficiency, neglect of duty, or misconduct in office; but shall first deliver to such member a copy of all charges in writing and afford to him an opportunity of being publicly heard in person or by counsel in defense of such charges, upon not less than ten days notice. If a member shall be removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such member and his findings thereon, together with a complete record of the proceedings.

(7) Each member of the Commission shall be entitled to reimbursement for actual and necessary traveling and other expenses incurred by him in the discharge of his official duties, such expenses not to exceed $500.00 per annum for each member, and to be paid from the Game and Fish fund.

(8) A majority of the Commission shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power vested in the Commission.

(9) The Department shall have its principal office in Franklin County, and is authorized to purchase all supplies, equipment and printed forms and to issue such notices and publications as the Commissioner may deem necessary to carry out the provisions of this Chapter.

(10) The word "sportsman" as used in this section shall mean a resident hunter or fisherman who has been licensed in Kentucky for each of the past two consecutive years.

Sec. 5 Section 150.023 of the Kentucky Revised Statutes is amended to read as follows:

(1) The members of the Commission shall meet in Frank-

fort quarterly, upon a date to be determined and fixed by the Commissioner, or as often as may be necessary for the transaction of business, upon reasonable notice to each member of such meetings.

(2) The Commission shall conduct civil service examinations for all employees in the Department.

(3) The Commission shall at all times keep a watchful eye upon the Department of Fish and Wild Life Resources, and advise the Commissioner to take such action as may be beneficial to the Department and in the interest of wild life and conservation of natural resources.

(4) The Commissioner, with the approval of the Commission, shall establish such divisions and sub-divisions, and shall employ such experts, clerks and other employees as he deems necessary for the conduct of the work of the Department and for the effectual accomplishment of the declared purposes of this Chapter, and shall fix the compensation of all employees of the Department, to be paid out of the Game and Fish Fund.

(5) The Commissioner, with the approval of the Commission shall authorize such scientific and other studies as he deems necessary, and shall collect, classify and disseminate such statistics, data and information as in his discretion will tend to promote the objects of this chapter.

(6) The Commissioner, with the approval of the Commission, shall have the exclusive power to expend for the protection, conservation, propagation and restoration of game, birds, fish and fur bearing animals, and amphibians all funds of the state acquired for the protection, conservation, propagation or restoration of birds, animals and fish, arising from licenses, gifts or otherwise.

Sec. 6 Section 150.024 of the Kentucky Revised Statutes is amended to read as follows:

The Department shall have the right to acquire such property as may be necessary to carry out the purpose of this Chapter, and it shall have the right of eminent domain as provided in KRS 416.010 to 416.080.

Sec. 7 Section 150.025 of the Kentucky Revised Statutes is amended to read as follows:

If the Commissioner, with the concurrence of the Commission, and after giving due regard to the public recreation and sport afforded thereby, the economic value and breeding habits of any species, class, type or breed of wild life, either native or imported, finds that the supply thereof has become unduly depleted or finds that, because of adverse weather conditions, floods, disease, fire, inadequate food supply, breeding conditions, lack of cover, unequal distribution, excessive destruction or wide-spread violations of the Fish and Wild Life laws or for any other reason, there is serious danger that the continued supply thereof may be depleted, the Department shall adopt such regulations as may be necessary and proper to restore supply or to prevent the further depletion thereof. Such regulations may be made to apply to a limited area or to the entire state.

(2) In carrying out the provisions of this section the Department may, by regulations:

(a) Fix, close, terminate, shorten or divide open season, or make open seasons conditional:

(b) Regulate bag or creel limits and possession limits:

(c) Regulate buying, selling or transporting:

(d) Regulate the size or type of any device used for taking, and regulate any method of taking:

(e) Regulate or restrict the places where taking is permitted:

(f) Regulate taking, or the opening or closing of seasons in waters in which the Department is conducting experiments or making improvements for the purpose of promoting the conservation of wild life and increasing the supply thereof:

(g) Make any other regulations reasonably necessary to implement or carry out the purposes of this Chapter.

(3) All regulations adopted under this section shall be subject to the provisions of KRS Chapter 13. When any regulation which applies to the entire state is adopted under this

section, the Commissioner immediately shall cause a copy thereof to be published once in two different newspapers having a general circulation in this state. When any regulation which applies to a limited area is adopted under this section, the Commissioner shall immediately cause a copy thereof to be published once in at least one newspaper of general circulation in each county in which a part of the area is located. The Commissioner also shall file two copies thereof with the county court clerk of each county in which the regulation is applicable, one copy of which shall be posted on the courthouse door or bulletin board. As soon as practicable, and within the budgetary limits of the Department, the Commissioner shall furnish additional copies of any regulation adopted by the Department to the county court clerk of each county in which the regulation is applicable, for distribution to sportsmen and other persons; and the Commissioner shall furnish copies to any person or organization requesting the same. Except as provided in subsection (5), each regulation adopted hereunder shall remain in effect until rescinded, unless otherwise provided in the regulation.

(4) If the Commissioner, with the concurrence of the Commission, finds that an emergency exists, a regulation may be made to become effective when specified after it has been filed in the office of the Secretary of State. In such cases, the regulation shall state the circumstances which give rise to the emergency. Such emergency regulation shall not remain in effect for a period longer than sixty days unless renewed, and each renewal thereof shall be limited to a period of sixty days. Renewals shall be made in the same manner as the original regulation.

(5) The fact that any person has not received actual notice of the contents of or the adoption of any regulations under this section shall not excuse any violation of the provisions of the regulations and shall not be a defense to a prosecution for a violation thereof.

Sec. 8 Section 150.061 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commission shall appoint a Commissioner of the

Department of Fish and Wild Life Resources, who shall be a man with knowledge of and experience in the requirements for the protection, conservation and restoration of the wild life resources of the state. The Commissioner shall serve for an indefinite term, subject to removal by the Commission for the same cause and in the same manner in which the Governor may remove a member of the Commission.

(2) The Commissioner shall receive such compensation as the Commission may determine, and shall be reimbursed for all actual and necessary travel and other expenses incurred by him in the performance of his official duties.

(3) Before entering upon the duties of his office, the Commissioner shall take and subscribe to the constitutional oath of office, and shall, in addition thereto, swear or affirm that he holds no other public office, nor any position upon or under any political committee or party.

(4) The Commissioner shall have general supervision or control of all activities, functions and employees of the Department of Fish and Wild Life Resources. He shall enforce all provisions of the laws of the state relating to wild animals, birds and fish, and shall exercise all powers necessarily incident thereto not specifically conferred on the Commission. The Commissioner shall make an annual report of all receipts and disbursements to the League of Kentucky Sportsmen.

Sec. 9 Section 150.071 of the Kentucky Revised Statutes is amended to read as follows:

(1) The members of the Fish and Wild Life Resources Commission shall constitute, ex officio, a Civil Service Commission, for the Department of Fish and Wild Life Resources.

(2) The Commission shall prescribe, propound, and conduct such examinations as are properly commensurate with positions within the Department of Fish and Wild Life Resources.

(3) The time and place for holding such examinations shall be fixed by the Commission, and notice thereof shall be given at least ten days prior to the fixed date by announcements through newspapers of the state, through press releases, and

through distribution in any other manner the Commission may deem necessary. Such announcements shall state a time and place, the qualifications required of applicants, and all pertinent facts relating to the positions to be filled.

(4) The Commission shall establish a uniform system of grading all examinations given under this section, and shall, as soon as practicable after the giving of such examinations, grade the applicants and certify to the Commissioner an eligible list of all applicants so examined who have made passing grades. The one passing the examination with the highest average grade shall be listed first and all others shall be listed numerically according to the results of the examinations.

Sec. 10 Section 150.072 of the Kentucky Revised Statutes is amended to read as follows:

(1) All appointments of the Department of Fish and Wild Life Resources shall be made by the Commissioner from among the three highest names on the eligible list provided for in KRS 150.071.

(2) No appointment shall be made to any position in the Department of Fish and Wild Life Resources except from the eligible list provided for in subsection (4) of KRS 150.071.

(3) Whenever the Commissioner shall determine that an emergency exists, he may make emergency appointments. Such emergency appointments need not come from the eligible list; however, in no case shall an emergency period exceed ninety days.

Sec. 11 Section 150.080 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner may appoint from the eligible list provided for in subsection (4) of KRS 150.071, as many conservation officers as may be necessary to enforce the Fish and Wild Life laws in an efficient manner in accordance with this chapter.

Sec. 12 Section 150.081 of the Kentucky Revised Statutes is amended to read as follows:

While retaining the right to vote as he may please and to

express privately his opinion of all political subjects and issues, no employee or officer of the Department of Fish and Wild Life Resources, including the Commissioner, shall take any active part in political management or political campaigns, nor shall he use his office or influence for the purpose of interfering in any election or affecting the results thereof, or for the purpose of coercing the political action of any body or person.

Sec. 13 Section 150.083 of the Kentucky Revised Statutes is amended to read as follows:

(1) For violation of orders or failure to perform duties, the Commissioner may suspend any employee for a period of time not to exceed two months, or may impose a fine of not more than two months pay, or impose both fine and suspension. Conservation Officers may also be demoted for violation of orders. For a second or subsequent violation of orders or failure to perform his duties, the accused shall be dismissed by the Commissioner.

(2) Nothing in this chapter is intended to prevent the Department from decreasing the number of employees, when in the opinion of the Commission and the Commissioner it is necessary to the efficient operation of the Department. When the numbers are so decreased, the youngest in point of service shall be the first to be released and shall be placed at the head of the eligible list in the order of their seniority.

Sec. 14 Section 150.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) Conservation Officers or other persons appointed by the Commissioner and all Peace Officers and their deputies shall enforce the provisions of this chapter. They may arrest on sight, without a warrant, any person detected by them, or any of them, in the act of violating any of the provisions of this chapter. They shall have the same rights as Sheriffs to require aid in arresting with or without process any person found by them violating any of the provisions of this chapter and may seize without process anything declared by this chapter to be contraband. No liability shall be incurred by any person so charged and directed.

(2) Conservation Officers and other officers charged with the enforcement of this chapter shall have authority to call for and inspect the license or badge of any person engaged in any activity for the performance of which a license is required under this chapter and to call for and inspect any and all fire arms being carried upon the person of any person so engaged.

(3) No person shall resist, obstruct, interfere with or threaten or attempt to intimidate or in any other manner interfere with any officer in the discharge of his duties under the provisions of this chapter.

Sec. 15 Section 150.095 of the Kentucky Revised Statutes is amended to read as follows:

All conservation officers are hereby authorized to keep and bear arms upon their person, concealed or otherwise, in the same manner as all other peace officers, and to exercise the use of such arms to such extent as the same may be necessary in the discharge of their duties.

Sec. 16 Section 150.100 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner, all personnel of the Department and all officers and other persons appointed by the Commissioner may execute any process issued by a court, enforcing the provisions of this chapter or any law relating to the propagation or protection of Fish and Wild Life in the same manner as any constable or sheriff. To accomplish that purpose they may call any peace officer or other person to their aid.

Sec. 17 Section 150.105 of the Kentucky Revised Statutes is amended to read as follows:

Notwithstanding any other provisions of this chapter, the Commissioner may, with the approval of the Commission, authorize Conservation Officers or any other person to destroy or bring under control in such manner as he deems necessary any wild animal, fish, or wild birds, protected or unprotected, which are causing damage to persons, property, or other animals, fish or birds and which in his judgment should be eliminated or controlled to prevent further damage.

Sec. 18 Section 150.110 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner and Conservation Officers may arrest without warrant anyone violating any of the provisions of KRS 150.490 to 150.520 or any of the rules or regulations made by the Department of Fish and Wild Life Resources for the protection of mussels under this chapter. They may inspect mussels in any warehouse, boat, store, car or receptacle when they have good cause to believe that any of the provisions of KRS 150.490 to 150.520 or any of the rules or regulations made thereunder have been or are being violated. This authority does not include the right to enter any dwelling house without a search warrant. When such officers find mussels in the possession of anyone in violation of this chapter, the mussels shall be confiscated and sold in the manner provided by KRS 150.120 for the sale of confiscated fish and game.

Sec. 19 Section 150.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner, all Conservation Officers, persons appointed by the Commissioner, and all peace officers and their deputies shall seize and take possession of any and all furs, fish, wild animals, wild birds, guns, dogs, instruments, boats or devices which have been taken, used, transported or possessed contrary to any law or regulation adopted under this chapter. Upon complaint showing probable cause for believing that any of the wild animals or wild birds protected by any law or regulation are illegally kept in any building, car or receptacle, any court having jurisdiction may issue a search warrant and cause the same to be searched. Any wild birds, wild animals, fish, furs, guns, dogs, instruments, or devices seized in accordance with this section shall be impounded by the arresting officer and shall be taken before the court trying the person arrested.

(2) Upon conviction, the court or jury trying the case shall have the discretion of determining whether or not any of the things seized under the provisions of subsection (1) of this section shall be declared contraband. Any animal, bird, fish, fur or dog taken, and any device used or possessed contrary to the provisions of this chapter, or any regulations adopted here-

under, is subject to being declared contraband. When any such item is declared contraband, the court shall enter an order accordingly. A copy of the order shall be forwarded to the Commissioner and the contraband shall be placed in the custody of the arresting officer, to be delivered to the Commissioner.

(3) The Commissioner may sell to the residents of this state, at the highest market price obtainable, with the approval of the Governor and the Director of Purchases and Public Properties, all contraband which comes to his possession under the order of any court, or which has been seized under this chapter and declared to be contraband under any law relating to fish or wildlife. All proceeds arising from the sale of contraband articles shall be paid into the Game and Fish Fund. A record of the sale, including the name of the purchaser and the price paid, shall be kept by the Commissioner.

(4) Any device or contrivance, the use of which is not expressly recognized and sanctioned by the provisions of this chapter for the taking of fish, amphibians, birds, or animals, is hereby declared to be an illegal device. No person shall have in his possession while taking any wild birds, wild animals or fish any illegal device or other thing prohibited by law or by any regulation adopted under this chapter for the taking of wild birds, wild animals or fish.

Sec. 20 Section 150.130 of the Kentucky Revised Statutes is amended to read as follows:

All county attorneys and commonwealth's attorneys shall enforce the provisions of this chapter and all regulations adopted hereunder, and they shall be paid for their services in this regard in the manner specified in KRS 150.160.

Sec. 21 Section 150.140 of the Kentucky Revised Statutes is amended to read as follows:

Each Justice or Clerk of the Court before whom any prosecution under this chapter for the violation of any law or regulation for the protection of wild life, animals, birds or fish may be commenced or shall go on appeal shall, within twenty days after a decision has been rendered therein, report in writing to the Commissioner the result of the prosecution, the amount of

fine collected or penalty imposed, if any. All moneys collected as fines or penalties for the violation of any law or regulation, which according to law goes to the Game and Fish Fund, shall be paid within thirty days to the Commissioner by the court, justice or other officer collecting or receiving the moneys, and the same shall be paid by the Commissioner to the State Treasurer within thirty days thereafter.

Sec. 22 Section 150.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in this chapter, all moneys derived from the sale of licenses or from any other source connected with the administration of this chapter shall be promptly paid over to the State Treasurer, who shall deposit such moneys in a special fund, known as the Game and Fish Fund. The Game and Fish Fund shall be used to carry out the purposes of this chapter and any law or regulation for the protection of wild animals, birds or fish, and for no other purpose.

(2) All funds received under KRS 150.110 and 150.490 to 150.520 shall be used by the Department for the purpose of enforcing those sections and for the protection and propagation of mussel beds. Any surplus remaining in the fund at the close of each calendar year shall be turned into the general fund of the Department.

Sec. 23 Section 150.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any fine imposed for the violation of this chapter shall, when collected, be divided as follows: Forty Percent shall be given to the County Attorney or Commonwealth Attorney who is present and prosecutes the case and the remaining sixty percent to the Commissioner, to be paid into the Game and Fish Fund. If no county or commonwealth attorney actually prosecutes, the entire fine shall be paid into the Game and Fish Fund.

(2) In the event that an appeal is taken to the circuit court from any conviction imposed pursuant to the provisions of this chapter, and in the further event that the same officer who prosecuted the violation to a successful conclusion in the lower

court is not charged with and does not handle the continued prosecution of the same in the circuit court, then forty percent of such fine as may be finally imposed in the circuit court shall, when collected, be divided equally among all of the officers actively participating in the prosecution of said case in both the lower and circuit courts.

(3) Every judgment entered upon the trial of any violation of this chapter shall recite whether or not the county attorney or the commonwealth attorney, or both, was present and actively prosecuted the action on behalf of the Commonwealth. Unless there is such an entry on the judgment book of the court showing the presence and participation of such officer or officers in the trial, none shall be entitled to any part of the fine.

Sec. 24 Section 150.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in sub-sections (2), (3), (4), (5) and (6) of this section and subject to regulations adopted under this chapter, no person shall do any act authorized by any kind of license or permit provided for in this chapter with respect to game and fish unless he holds the kind of license or permit that authorizes such act. It is the specific purpose of this chapter to prohibit the taking or pursuing of any wild life or wild animals, protected or unprotected, or the angling in any stream or body of water, whether public or private, without first procuring the license provided for herein, except to such extent as may be otherwise provided in this section.

(2) A person under sixteen years of age may, without a trapping license, take wild animals by trapping and, without a fishing license, take fish by angling, or take minnows by the use of a minnow seine.

(3) Resident landowners, and resident children and lessees on their lands may, without a fishing license, take fish from the waters thereon by angling, such angling, in the case of public waters, to be from the bank only, and such persons may, without a hunting license, take wild animals and wild birds therefrom (except by trapping), subject to the further provisions of this chapter.

(4) Residents or non-residents attending and participating in any annual state or national field trial may so attend and participate without obtaining a hunting license.

(5) Any resident of this state who is sixty-five years of age or older may, without a hunting or fishing license, do any act authorized by such a license, but while so doing he must carry upon his person an affidavit stating the year and place of his birth.

(6) The provisions of this chapter for the protection of wild animals shall not apply to any resident landowner of this state who kills on his land any wild animal that is causing damage to such land or to any personal property situated thereon.

(7) In the event a reciprocal agreement is entered into between the Commissioner of the Department of Fish and Wild Life Resources of this state, with the approval of the Commission, and the similar authority, of the state of Tennessee, pursuant to which persons holding a fishing license (Resident or Non-Resident) or a state-wide hunting license (Resident or Non-Resident) issued in this state are permitted to perform the acts authorized by such license upon so much of the waters of any lake, extending across the boundary between Kentucky and Tennessee, as lies within the State of Tennessee, then any person holding a similar fishing license or hunting license issued in the State of Tennessee may, during the duration of such agreement, perform the acts authorized by such license upon so much of the waters of such lake as lies within this state, without having obtained a license therefor in this state.

Sec. 25 Section 150.175 of the Kentucky Revised Statutes is amended to read as follows:

The kinds of licenses and tags authorized by this chapter, and the acts authorized to be performed under such licenses and tags, subject to the other provisions of this chapter and subject to regulations adopted under this chapter, are as follows:

(1) A state-wide fishing license, which authorizes the holder thereof to take fish by angling, to take minnows by the use of a minnow seine, to take fish by grabbling, gigging and by noodling or tickling, and to take frogs from any waters in any

county of this state open for such purposes and subject to the limitations hereinafter set forth and such additional limitations as the Department may from time to time prescribe.

(2) A ten day fishing license which may be issued only to a nonresident and which authorizes the holder thereof to take fish by angling, grabbling, gigging and noodling or tickling from any of the waters of this state, including the Ohio River, for a period of ten consecutive days, beginning as of a day which shall be stated in the license when issued by the county clerk, and subject to all limitations hereinafter set forth and such further limitations as may be prescribed by regulation of the Department from time to time.

(3) A commercial fishing license, which authorizes the holder thereof to perform any act authorized by a fishing license and to take fish from the navigable streams of the state, but not above the last lock and dam up the stream, by the use of twine seines, twine hoop nets, or snag lines, provided that the holder of such license has first obtained a tag for each seine, hoop net and snag line. Such license shall also authorize the holder thereof to sell fish, other than those protected by this chapter, either at wholesale or retail.

(4) An Ohio River fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to take fish from the Ohio River only by any method authorized under a state-wide fishing license.

(5) An Ohio River commercial fishing license, which may be issued only to a citizen of Ohio, Indiana and Illinois, and which authorizes the holder thereof to exercise in the Ohio River only the same privileges that may be exercised under a commercial fishing license, as defined in sub-section (3) of this section, provided that the holder of such license has first obtained a tag for each seine, hoop net and snag line.

(6) A seine tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one hundred feet

of seine or part thereof. A separate tag shall be required for each one hundred feet of seine or part thereof.

(7) A hoop net tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one hoop net. A separate tag shall be required for each hoop net.

(8) A snag line tag, which may be issued only to the holder of a commercial fishing license, or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one snag line. A separate tag shall be required for each snag line.

(9) A live bait dealer's license, which may be issued only to a resident of this state and which authorizes the holder thereof to sell live bait to be used in angling.

(10) A musseling license, which authorizes the holder thereof to take mussels for commercial purposes from any shell bed.

(11) A state-wide hunting license, which authorizes the holder thereof to take or pursue wild animals, in any county of this state, with bow and arrow, gun, gun and dog or dog; and to take wild birds with bow and arrow or with gun; and to participate in a fox hunting party engaged in the hunting or pursuing of foxes with dogs for sport; and to take frogs from any waters open for such purposes, but only in such manner as provided elsewhere in this chapter.

(12) A junior state-wide hunting license, which may be issued only to a resident of this state, before he has reached his or her 16th birthday, and which authorizes the holder thereof to exercise all the privileges authorized by a state-wide hunting license.

(13) A trapping license, which authorizes the holder thereof to take wild animals by trapping upon his own lands or upon the lands of another person. (Provided that the holder of

such license shall have first obtained a written consent as provided in KRS 150.400 and 150.410).

(14) A taxidermist license, which authorizes the holder thereof to engage in the business of preparing, stuffing and mounting, in life-like form, the skins of wild animals.

(15) A commercial guide's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to receive payment or remuneration of any kind for services rendered as a guide for angling or hunting parties.

(16) A fur buyer's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to buy raw furs from trappers and hunters and to sell raw furs so purchased to a licensed fur processor.

(17) A fur processor's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to buy raw furs from a licensed fur buyer, for the purpose of processing, manufacture or retention in cold storage for resale to another licensed fur processor, to process or manufacture such raw furs, or hold them in cold storage, to sell such raw furs to or buy the same from another fur processor licensed in this state, to sell raw furs to a licensed non-resident fur buyer, or to buy raw furs from a non-resident fur processor licensed in the state of his residence to deal in raw furs.

(18) A non-resident fur buyer's license, which authorizes the holder thereof to buy raw furs from persons legally having the same in their possession in this state and to transport or ship the same out of this state.

Sec. 26 Section 150.176 of the Kentucky Revised Statutes is amended to read as follows:

No hunting or fishing license authorized by this chapter shall be issued to the resident of any other state which does not grant to the citizens of this state the privilege to secure license to hunt and fish during any open season in such state.

Sec. 27 Section 150.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in this section or else-

where in this chapter, and subject to regulations adopted under this chapter, no person, for himself or as the agent or employee of another, shall sell, buy, transport or direct to be transported any wild animal, wild bird or fish protected by this chapter, or any raw fur.

(2) Mussels and fish, other than black bass (large mouth or small mouth and Kentucky) rock bass or goggle-eye, crappie, jack salmon, walleye pike or striped bass, sand pike or sauger and muskellunge may be bought, sold and transported, if in legal possession.

(3) Raw furs, if in legal possession, may be sold by a licensed trapper or licensed hunter to a licensed fur buyer (resident or non-resident), and by a licensed fur buyer to a licensed fur processor or to another fur buyer. A licensed fur buyer may buy raw furs from a licensed trapper or licensed hunter, if in legal possession of the trapper or hunter, and licensed fur processors may buy such furs from a licensed fur buyer or from another licensed fur processor, if in legal possession of such fur buyer or processor, and may buy raw furs from a non-resident fur processor licensed in the state of his residence to deal in raw furs. A licensed fur processor may sell raw furs to another licensed fur processor or to a licensed non-resident fur buyer. A licensed non-resident fur buyer may buy raw furs from any person having the same legally in possession.

(4) Subject to regulations adopted under this chapter, any person authorized by sub-section (3) of this section to sell or buy raw furs may transport, between any points within this state, any such furs legally in his possession. No person may transport or ship raw furs from this state to a point outside this state unless he holds a non-resident fur buyer's license, except that an individual who has lawfully taken a fur bearing animal in this state or who has legally purchased the pelts of fur bearing animals may ship the pelts thereof at any time during the period such pelts may be in his legal possession in this state, to a non-resident fur processor who is licensed in the state of his residence to deal in raw furs, or to a non-resident taxidermist for the purpose of mounting.

(5) Subject to regulations adopted under this chapter, a

person who has been issued a license under this chapter and who has the license on his person may transport anywhere as a part of his personal baggage any wild animals, wild birds or fish legally taken by him under such license, not in excess of the number that the law or regulations permit him to have in possession at any one time.

(6) A person who has legally taken any wild animal, wild bird or fish in another state and who has in his possession the license which authorizes such taking may, if the same be dead, transport the same to this state, as part of his personal baggage at any time during the open season for the particular species in the state in which taken or within ten days after the close of such season. Any person may ship dead game or dead fish so taken subject to the provisions of the laws of the state in which the same was taken and the laws and regulations of the United States relating thereto.

(7) No person shall import or transport into the State of Kentucky or receive shipment in the state from without the state, any type or species of live game, live wild animal, live wild bird or fish, live amphibian, protected or unprotected under this chapter, excepting minnows to be used for bait, without first procuring from the Department a written permit to do so. If it is determined upon inspection that such game, wild animals, wild birds, fish or amphibians would not constitute a menace to the state and are free from disease that might spread throughout the state to the detriment of wild life resources, the director shall issue such a permit free of charge.

(8) This section shall not in any way interfere with the transportation of any wild animals, wild birds or fish by the authorized officers of the Department of Fish and Wild Life Resources.

(9) Federal regulations shall govern the transportation of all migratory wild birds.

Sec. 28 Section 150.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner may, with the approval of the Commission, adopt the design of all licenses required by this chapter

and make all regulations for their issuance. Licenses shall only be issued pursuant to a written application, on a form prescribed by the Commissioner, subscribed and sworn to by the applicant and giving the following information: Sufficient general description of the applicant to identify him, his name, place of residence and house number. No person shall make a false statement or any false information in the application.

(2) Except as provided in sub-section (3) and (4) of this section, and in sub-section (3) of KRS 150.220, all licenses and tags provided for in this chapter shall be issued by the county clerk. The clerk shall sign the licenses and shall require the persons to whom the licenses are issued to sign their name on the margin. The clerk shall keep a correct and complete copy of all licenses issued in a book to be furnished by the Department, which records shall remain in his office and be open to inspection by the public during regular office hours. No County Clerk shall knowingly make a false entry upon a license or upon a license record or report required by this chapter.

(3) Ohio River fishing licenses and Ohio River commercial fishing licenses, and seine, hoop net and snag line tags for holders of Ohio River commercial fishing licenses shall be issued by the Department directly, or through such person, resident or non-resident, as may be designated by the Commissioner as agent for that purpose.

(4) Commercial guide's licenses, fur buyer's licenses (both resident and non-resident) and fur processor's licenses shall be issued directly by the Department. Any applicant for a commercial guide's license shall be required to present proof to the satisfaction of the Commissioner, in accordance with such regulations as the Commissioner may prescribe with the approval of the Commission, that he is qualified to act as a commercial guide. Any applicant for a fur processor's license shall be required to present proof to the satisfaction of the Commissioner, in accordance with such regulations as the Commissioner may prescribe with the approval of the Commission, that he has sufficient equipment and facilities to engage in the business of processing, manufacture and storage of raw furs.

Sec. 29 Section 150.200 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner shall cause to be delivered to each county clerk, not less than ten days before January 1st of each year, unless otherwise provided, as many licenses, tags and forms as may be required, and charge each clerk for the number issued to him. On or before January 25th of each year each county clerk shall return to the Department all unused licenses, stubs and unused tags which he has received for the preceding year. The licenses and tags shall specify the calendar year for which they are issued and all licenses, tags and permits authorized to be issued by this chapter, whether by the Department or by a county clerk, shall expire on December 31st of that calendar year, except fur buyers license which shall expire July 1st each year.

Sec. 30 Section 150.210 of the Kentucky Revised Statutes is amended to read as follows:

The blank licenses, metal tags and printed matter necessary to carry out the provisions of this chapter shall be prepared under the direction of the Commissioner, subject to the approval of the Director of Purchases and Public Properties and shall be paid for in the same manner as other public printing. All expense arising therefrom shall be charged to the Game and Fish Fund.

Sec. 31 Section 150.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in KRS 150.175 and 150.176 any of the licenses authorized by this section may be issued either to a resident of this state or to a non-resident, but all licenses issued to non-residents shall bear the word "non-resident" in prominent letters, and fees shall be as respectively provided in this section.

(2) The fees for the licenses provided for in KRS 150.175 shall be as follows:

(a) Fishing licenses

State-wide fishing license (resident) _____	$ 2.00
State-wide fishing license (non-resident) ____	5.00

(b)	Ten day fishing license	
	Non-resident only	2.00
(c)	Commercial fishing license	
	Resident	5.00
	Non-resident	25.00
(d)	Ohio River fishing license (residents of Ohio, Indiana and Illinois only)	2.00
(e)	Ohio River Commercial fishing license	5.00
(f)	Seine tag for each one hundred feet of seine or part thereof	
	Resident	2.00
	Non-resident (holder of Ohio River commercial fishing license)	2.00
	Other non-residents	4.00
(g)	Hoop net tag	
	Resident	1.00
	Non-resident holder of Ohio River Commercial fishing license	1.00
	Other non-residents	2.00
(h)	Snag line tag	
	Resident	1.00
	Non-resident holder of Ohio River commercial fishing license	1.00
	Other non-residents	2.00
(i)	Live bait dealer's license (resident only)	5.00
(j)	Musseling license	
	Resident	10.00
	Non-resident	30.00
(k)	State-wide hunting license	
	Resident	3.00
	Non-resident	15.50
(l)	Junior state-wide hunting license (resident only)	1.00
(m)	Trapping license	
	Resident	3.00
	Non-resident	15.50

(n) Taxidermist's license (resident only) ---------- 3.00
(o) Commercial guide's license (resident only) ---- 5.00
(p) Fur buyer's license
Resident ---------- 5.00
Non-resident ---------- 75.00
(q) Fur processor's license (resident only) -------- 100.00

(3) The Department may issue a special license without fee to the Chief Executive of the United States or of any other state and to any official of another state, or of the federal government or of a federal agency, whose functions include matters related to the propagation, protection or preservation of game and fish. Such special license shall authorize the performance of any act authorized by a fishing license and a state-wide hunting license. Not more than fifty such licenses may be issued in any one year.

Sec. 32. Section 150.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county clerk or any agent designated by the Department under the provisions of sub-section (3) of KRS 150.190 shall retain as his fee, out of the money received by him for licenses and tags, the following fees:

(a) For each license or tag for which the fee is $1.00, a fee of 15c.

(b) For each license or tag for which the fee is not less than $2.00 nor more than $5.00, a fee of 25c.

(c) For each license for which the fee is over $5.00, a fee of 50c.

(2) The foregoing fees shall cover the swearing of the applicant to his application and of other services under this chapter. The county clerk shall pay the remainder of the license fees, after deducting therefrom his fee, to the State Treasurer on the first day of each month, which amount shall be credited to the Game and Fish Fund. The County Clerk shall report to the Commissioner on the first day of each month the number and kind of licenses and tags issued and the amount of money remitted to the State Treasurer.

Sec. 33 Section 150.235 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall perform any act authorized to be performed by any of the various licenses provided for in this chapter without first procuring the type of license which authorizes the performance of such act and unless at the time of the performance of such act he has the license provided therefor on his person, except that in the case of a fur processor it shall be sufficient if the license is posted in a conspicuous place upon the licensed premises.

(2) No license authorized by this chapter, except a fur processor's license, may be issued except to an individual, and not more than one such license of any particular type may be issued to any individual during a single calendar year. A fur processor's license may be issued to an individual, partnership, firm or corporation, and as many such licenses may be issued to any one individual, partnership, firm or corporation as may be required for the various premises upon which the licensed business is to be carried on. In the case of a fur processor's license, no employee or agent of the person, firm, partnership or corporation in whose name the license was issued shall exercise any privilege authorized by the license at any place other than the licensed premises, unless he has on his person an agent's license card issued by the Commissioner. For the purpose of securing such agent's cards, the holder of the license shall file with the Department an application form, stating the name and giving a general description of each agent or employee who will engage in the transactions authorized by the license. There shall be no fee for the issuance of such agent's cards. The Commissioner, with the approval of the Commission, shall have authority to restrict and limit the number of such cards that will be issued, and to prescribe the terms and conditions under which a card may be issued and used and may revoke any such cards whenever it appears to the Commissioner that the holder thereof is not complying in all respects with the purpose and intent of this chapter.

(3) Wherever in this chapter reference is made to the "holder" of a license, it means the person in whose name the license was issued. No person to whom a license has been issued under this chapter may authorize or permit any other person to carry his license.

Sec. 34 Section 150.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner, with the approval of the Commission, may contract with any landowner of the state, for a specified term of years, to set aside and maintain land as a game refuge. Any such contracts may be recorded in the county court clerk's office of the county in which the land is situated.

(2) The Commissioner with the approval of the Commission may issue permits for public or commercial shooting areas, and shall adopt regulations governing same.

Sec. 35 Section 150.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department, with the approval of the Commissioner of Finance and the consent of the Governor, may enter into any contract with the United States Government, or any department or agency thereof, or with any individual in regard to the preservation, protection and propagation of fish, game, birds or animals, which it may deem to the advantage of the state to enter into.

Sec. 36 Section 150.260 of the Kentucky Revised Statutes is amended to read as follows:

Kentucky assents to the provisions of an Act of Congress entitled "An act to provide that the United States shall aid the states in wild life restoration projects, and for other purposes", approved September 2, 1937. The Department of Fish and Wild Life Resources shall perform such acts as may be necessary to the establishment and conduct of cooperative wild life restoration projects in compliance with said Act and with rules and regulations promulgated thereunder by the Secretary of Agriculture. No funds accruing to the state from license fees paid by hunters shall be diverted to any purpose other than the administration of the Department of Fish and Wild Life Resources.

Sec. 37 Section 150.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) Kentucky consents to the acquisition by the United States by purchase, gift, devise or lease of such areas in Kentucky

as the United States may deem necessary for the establishment of migratory bird reservations in accordance with the Migratory Bird Conservation Act, approved February 18, 1929 (45 Stat. 1222).

(2) Kentucky reserves complete jurisdiction and authority in and over all such areas not incompatible with the administration, maintenance, protection and control thereof by the United States under the terms of Acts of Congress. This section shall in no wise deprive the courts of Kentucky of jurisdiction to try and punish all violations of any of the criminal or penal statutes of Kentucky in such areas.

Sec. 38 Section 150.275 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner may issue to any qualified person a permit to take and transport wild animals, birds or fish at any time for scientific or educational purposes; such permits shall be valid at the discretion of the Commissioner and shall show upon their face the period of their validity. The fee for such permits shall be $1.00.

Sec. 39 Section 150.280 of the Kentucky Revised Statutes is amended to read as follows:

No person shall propagate fish, frogs, fur bearing animals and other game, nor harbor or maintain any protected game or fish in captivity for the purpose of making a pet of the same, or for any other purpose, without first procuring a permit to do so from the Department. The Commissioner shall make and publish regulations governing all such activity. The application for a breeder's permit, or for a permit to harbor and maintain protected game and fish as pets or for any other purpose, shall be in writing, addressed to the Commissioner, signed by the applicant, and shall describe the land or waters owned or leased by the breeder to be used for breeding purposes and shall contain such other facts as may be required by the Commissioner. When it appears that the application is made in good faith, the Commissioner may issue a permit, which shall continue in force for one year unless sooner revoked by the Commissioner for cause, upon payment of a fee of $2.00 and fees for tagging which

shall be fixed by the Commissioner. A fish and game club which enters into an agreement with the Department to operate such a farm, in cooperation with the Department, for the purpose of carrying out the Department's program may, with the approval of the Commissioner, be issued a permit without the payment of any fee. Any permit issued pursuant to this section may be revoked by the Commissioner at any time for a violation by the holder thereof of any of the laws of Kentucky or of any regulation of the Department.

Sec. 40 Section 150.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any breeder may sell and transport fish, frogs, fur bearing animals and other game, alive for propagation, and minnows for bait, and for food purposes during seasons prescribed by the Commissioner. Such fish, frogs, fur-bearing animals and other game shall be identified either by marking their container or by individual tagging, as the Commissioner may prescribe.

(2) No breeder shall sell game procured from other than a licensed propagation farm.

Sec. 41 Section 150.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall, without first securing the permission of the Commissioner, enter upon the premises of a propagation farm, game farm or game refuge or fish hatchery and take fish, birds, wild animals or game; or, without the consent of the property owner, enter upon any pond and take fish or amphibians or foul the waters of any pond or farm with a substance injurious to the life or growth of fish or amphibians, or break or destroy any dam, reservoir or embankment or divert the waters or otherwise wilfully damage the farm or pond. No person, except bona fide employees in line of duty, shall go upon the premises of any propagation farm, state game farm, or game refuge or fish hatchery accompanied by a dog of any type or description or while carrying firearms upon or about his person.

(2) It is unlawful for any person to mar, deface, destroy or in any wise damage, or attempt to mar, deface, destroy or

damage any sign or posted notice upon any game farm, game or wild life refuge or fish hatchery in the state.

Sec. 42 Section 150.305 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to regulations adopted under this chapter and except as otherwise provided in this section, no person shall have in his possession any wild bird, wild animal or fish protected by this chapter, or any raw fur, except during the open season for the particular species, unless such person be the holder of a valid permit issued pursuant to the provisions of KRS 150.275 or 150.280.

(2) Any person who has legally taken any wild life may have the same in his possession in a frozen food locker, either in his home or in a commercial locker plant, for a period of ninety days after the close of the season for the particular species. The name of the taker, the date of taking, and the number and species of animal or bird must be marked on the package in which the same are stored. Legally imported game or fish may be held in such frozen food locker for a period of time to conform with the requirements of the pure food law, provided, however, that the date of storage with the number of the non-resident license under which such game or fish were taken be attached or stamped upon each package or carcass.

(3) Any person who has legally taken any wild animal, wild bird or fish in another state and who has legally transported or shipped the same to this state in accordance with the provisions of subsection (6) of KRS 150.180, may have the same in his possession, other than in a frozen food locker as above provided, in this state for a period of not more than ten days after the close of the open season in the state in which the same was taken.

(4) Federal regulations shall govern the possession of migratory wild birds.

(5) To facilitate the enforcement of subsection (2) and (3) of this section, the Commissioner, or such agents and employees of the Department as may be designated by him, shall have authority to inspect all commercial frozen food lockers

within the State of Kentucky at such periods and intervals as the Commissioner shall, in the exercise of a reasonable discretion, fix and determine. No search warrant or other legal process shall be required of any properly authorized person as a condition precedent to the making of the inspections herein authorized.

(6) Any person who has legally taken a fur-bearing animal, or the raw fur thereof, may have the same in his possession 15 days following the close of the season.

(7) A licensed fur buyer (resident or non-resident) may buy or have in his possession raw furs 20 days following the close of the season.

(8) A licensed fur processor may buy raw furs from a licensed fur buyer at any time during the period that a fur buyer is authorized by this section to sell raw furs, and the licensed fur processor is further authorized to hold raw furs in cold storage for the purpose of manufacture or processing, or to buy from or sell to another licensed processor, at any time in the year.

Sec. 43 Section 150.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild bird, whether protected or unprotected, except with bow and arrow or with a gun, which gun shall not be larger than a 10-gauge fired from the shoulder. No birds shall be taken with or by means of any automatic loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof in such manner as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined.

(2) No person shall hunt birds, whether protected or not, with lights or any other means which might be used to blind birds at night.

Sec. 44 Section 150.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild bird, (including exotic pheasants and partridges) except game birds for which there is an open season, either under the laws of Kentucky and the regulations of the Department or the laws of the United States, except those birds mentioned in sub-section (2) of this section.

(2) This chapter does not protect or in any way limit the taking of the Copper's Hawk, sharp-shinned hawk, the crow, the starling, the English sparrow or the great horned owl, but any person taking any of them with a gun must have a hunting license and said gun must be plugged to hold not more than three shells in the magazine and chamber combined as specified in KRS 150.310.

(3) No person shall take, disturb or destroy the nests or eggs of any wild birds.

Sec. 45 Section 150.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild birds except during the open season prescribed by the Department for the particular species. The open season for quail may be between November 1, and February 1st only, and shall not exceed a total of sixty days, consecutive or otherwise. The open season for ruffed grouse or native pheasant may be between November 1st and February 1st only, but shall not exceed a total of sixty days, consecutive or otherwise. There shall be no open season for wild turkey, exotic pheasants or chukar partridge until the Commissioner with the approval of the Commission finds the conditions and population warrant it. Then regulations shall be enacted to govern same. No person shall take quail, ruffed grouse or native pheasant except from sunrise to sunset.

(2) No person shall take, pursue, possess, transport, purchase or sell or attempt to do so, any migratory birds, except as authorized by the Migratory Bird Treaty Act (40 Stat. 755) and regulations under it.

(3) No person over 16 years of age shall hunt any wild ducks, geese or brant unless, at the time, in addition to the appropriate state hunting license, he has on his person a valid Migratory Bird Hunting Stamp of current issue as required by

the Migratory Bird Hunting Stamp Act (48 Stat. 451) as amended.

Sec. 46 Section 150.340 of the Kentucky Revised Statutes is amended to read as follows:

No person shall take more wild birds in any one day than the bag limit prescribed for the species, but the Department shall not prescribe bag limits in excess of the following:

Quail	10
Ruffed Grouse or Native Pheasant	2
Doves	Federal Regulations Apply
Ducks	Federal Regulations Apply
Geese	Federal Regulations Apply
Coots and Gallinule	Federal Regulations Apply
Woodcock	Federal Regulations Apply
Snipe	Federal Regulations Apply

No person shall have in his possession at any time any number of wild birds in excess of the bag limit as prescribed by the Department for the particular species, except that a person who has hunted two or more days in succession may have in his possession a total of not more than twice the bag limit for any one day for such birds, and a person may have in his possession, in cold storage locker as provided in KRS 150.305 a number not exceeding two days' bag limit after the first day of the hunting season; provided, however, that no person shall take more than ten ruffed grouse or native pheasant during any open season for the same.

Sec. 47 Section 150.355 of the Kentucky Revised Statutes is amended to read as follows:

No person shall use ferrets in hunting. No person shall keep a ferret as a pet or for any purpose, unless he has procured a ferret permit from the Commissioner. A permit must be obtained within ten days after the person acquires possession of a ferret and one permit shall entitle the holder to keep any number of ferrets. If the owner of any ferret uses it contrary to the provisions of this chapter, the Commissioner may revoke his permit and confiscate all of his ferrets. Each use of a ferret in hunting shall constitute a separate offense.

Sec. 48 Section 150.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild animals, whether protected by this chapter or not, except by trapping, gig, bow and arrow, gun, gun and dog, or dog.

(2) No shotgun used in the taking of wild animals, protected or unprotected, shall be larger than a 10 gauge and fired from the shoulder. No wild animals, protected or unprotected, shall be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, in such manner as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined.

(3) No person shall hunt wild life (except opossum, and raccoon, and frogs) with lights or other means designed to blind wild life at night.

(4) No person shall take frogs with a gig other than one of the following sizes and dimensions: The gig shall have not more than four prongs; no prong shall be longer than two and one-half inches; the prongs shall be made out of not heavier than 14-gauge wire or metal, and shall not have more than one barb on each prong.

Sec. 49 Section 150.365 of the Kentucky Revised Statutes is amended to read as follows:

No person shall use fire, or any type of explosive, smoke or any noxious gas or substance to molest or destroy the den or hole of any animal, nor shall any person burn a field for the purpose of driving game.

Sec. 50 Section 150.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild animal protected by this chapter except during the open season for the particular species as prescribed by the Department. The open season for rabbits may be between November 1st and February 1st only, but

shall not exceed a total of sixty days, consecutive or otherwise. The open season for mink, opossum, raccoon, skunk, muskrat and red fox may be between November 1st and February 15th only, but shall not exceed a total of sixty days, consecutive or otherwise, except that the Department may allow an additional thirty days in which opossum and raccoon may be hunted and taken by dog only. The open season for squirrel may be between August 1st and January 1st only, but shall not exceed a total of ninety days, consecutive or otherwise. The open season for pond, bull or jumbo frogs shall be such period as the Department may prescribe. There shall be no open season for otter or beaver.

(2) Sub-section (1) shall not apply to persons who hunt red fox at night with dogs for sport and not to kill; but this exception in favor of sportsmen shall not extend to anyone engaged in the business of a fur dealer or a trapper or a professional hunter.

(3) The possession of any wild animals, fur bearers, or the raw fur thereof, when the season is not open for the particular species shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to possession of any such animal or fur by a trapper during the open season as prescribed by the Department and fifteen days thereafter, or by a fur buyer during the open season and twenty days thereafter.

Sec. 51 Section 150.380 of the Kentucky Revised Statutes is amended to read as follows:

No person shall take more squirrels, rabbits or pond, bull or jumbo frogs in any one day than the bag limit prescribed by the Department, but the Department shall not prescribe a bag limit in excess of the following:

Squirrel	6
Rabbits	8
Pond, bull or jumbo frogs	15

No person shall have in his possession at any time more than the number prescribed by the Department except as follows:

(1) A person who has hunted two or more days in succession may have in his possession a total of not more than twice the number allowed by the Department to be taken in any one day.

(2) A person may have in his possession in a cold storage locker, as provided in KRS 150.305, a number not exceeding two days bag limit after the first day of the hunting season.

Sec. 52 Section 150.390 of the Kentucky Revised Statutes is amended to read as follows:

No person shall take, pursue, or attempt to take or pursue or otherwise molest any elk, deer, wild turkey or bear unless the Commissioner, with the approval of the Commission, finds conditions and population that warrant an open season, then regulations shall be enacted to govern same.

Sec. 53 Section 150.399 of the Kentucky Revised Statutes is amended to read as follows:

Any trap, set, used or maintained in violation of the provisions of KRS 150.400 or 150.410 shall be subject to confiscation as contraband under the provisions of KRS 150.120, except that any trap, set, used or maintained without the tag required by sub-section (2) of KRS 150.410 is hereby declared contraband and shall be so treated without any order of court so declaring.

Sec. 54 Section 150.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall set, use or maintain, for the purpose of taking wild animals, any steel trap unless the size and type of the trap has been approved, in writing by the Commissioner of the Department of Fish and Wild Life Resources. The Commissioner shall not approve any steel trap:

(a) That has a jaw spread of more than 5¾ inches, or the jaws of which have sharp or jagged edges; or

(b) That has more than one spring for the purpose of closing the jaws or that has a spring which would normally be expected, under ordinary circumstances, to exert a pressure

sufficient instantly to cut through or break the leg of any wild animal protected by this chapter; or

(c) The design of which is such that animals may escape easily therefrom with permanent or fatal injury; or

(d) That does not have a swivel as an integral part of the trap or the retaining chain.

(2) The Commissioner shall approve any commercially manufactured trap which is designed to take animals alive and unhurt or to kill instantly.

(3) Subject to the provisions of KRS 150.410 it shall be lawful to use snares, deadfalls, wirecage or box traps, but no person shall set, use or maintain a snare large enough to take deer, elk or bear.

(4) Manufacturers of and dealers in or persons proposing to use steel traps may submit sample traps and specifications thereof to the Commissioner for approval. From time to time the Commissioner shall file with the Secretary of State a list of traps approved by him, stating the name of the manufacturer, the size, number and other information sufficient to identify the trap, and shall furnish copies of such list to each county court clerk and to any other person requesting copies thereof. At least ninety days prior to the beginning of each open season for trapping fur-bearing animals, the Commissioner annually shall cause to be published once in at least two daily newspapers of general circulation in this state a list of all traps which have been approved by him.

(5) If the Commissioner finds that a trap, a sample or the specifications of which are submitted to him, does not meet the requirements of this section and any valid regulation adopted hereunder, he shall notify, in writing, the person submitting the same of such fact and state his reason therefor. Within thirty days from the date of the Commissioner's ruling, the person seeking his approval may appeal therefrom to the Commission, which shall hold a public hearing thereon. If the Commission sustains the Commissioner, the applicant, within thirty days from the date of the order of the Commission, may appeal to the Franklin Circuit Court by filing a copy of the order of the Com-

mission, together with a copy of the record made before the Commission. The procedure in such appeals shall be governed by the provisions of sections 639a-1, Et. Seq. of the Civil Code of Practice.

Sec. 55 Section 150.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall set a trap on the land of another without written permission of the owner of the land, and he shall exhibit such written consent to any agent or employee of the Department or to any other person lawfully demanding to examine the same.

(2) No person shall set, use or maintain a trap for the purpose of taking wild animals unless there is attached thereto a metal tag giving the name and address of the person setting, using or maintaining trap. The Commission is authorized to furnish such tag, at cost, to applicants therefor.

(3) Each person who sets, uses or maintains a trap or traps for the purpose of taking wild animals shall, within twenty-four hours from the time such traps are set, given a written description of the location of the trap line, or any changes made therein to the Conservation Officer for the county in which the traps are located or to the Commissioner. The owner of the land on which traps are set and resident members of his family shall not be required to comply with the provisions of this subsection.

(4) Each person who sets a trap for the purpose of taking wild animals shall visit the same at least once every twenty-four hours and release any animal found therein.

(5) No person shall set a trap in such manner as unreasonably to endanger the life or safety of any domestic animal.

Sec. 56 Section 150.411 of the Kentucky Revised Statutes is amended to read as follows:

Every licensed taxidermist shall keep a suitable record in which shall be entered the species of each animal mounted by him and the name and address of the person for whom the mounting was done. Within ten days after the end of each

month, he shall send to the Department a report showing the number and name of the animals of each species mounted by him during the preceding month and the name and address of the person for whom each animal was mounted. No animal or bird shall be mounted except during the open season for the particular species, unless a permit be issued therefor by the Commissioner, which permit shall be issued without cost.

Sec. 57 Section 150.412 of the Kentucky Revised Statutes is amended to read as follows:

No commercial guide shall participate in the taking of game or fish protected by this chapter beyond the bag limit or creel limit of the person or persons he is guiding.

Sec. 58 Section 150.415 of the Kentucky Revised Statutes is amended to read as follows:

Every licensed fur buyer shall, upon purchasing any raw fur, issue a receipt to the trapper or hunter from whom he has purchased such furs, setting forth the number and kind of furs, the date of the purchase, the price paid for each fur and the license number of the trapper's or hunter's license. The buyer shall make out a duplicate receipt at the same time and obtain the signature and address on such duplicate of the trapper or hunter from whom the furs were purchased. Not later than March 15 of each year every licensed fur buyer shall submit to the Department of Fish and Wild Life Resources a complete report of all furs purchased during the previous buying season. The report shall contain the total number and value of each type of fur purchased. Failure on the part of any buyer to comply with the provisions of this section shall bar the licensee from obtaining a license for the following year.

Sec. 59 Section 150.416 of the Kentucky Revised Statutes is amended to read as follows:

Every licensed fur processor shall, within fifteen days after January 1st and July 1st of each year file with the Department an inventory of furs in his possession as of such dates. Every licensed fur processor shall also issue receipts for the total number of furs purchased from fur buyers, each of which shall show the license number of the fur buyer from whom purchased.

Duplicates of such receipts shall be sent to the Department with the inventory report.

Sec. 60 Section 150.417 of the Kentucky Revised Statutes is amended to read as follows:

In any prosecution of a nonresident for buying raw fur or furs without a fur buyer's license, proof that such person was in the company of a resident fur buyer at the time the latter purchased a raw fur shall constitute a prima facie evidence that such nonresident was engaged in the business of buying raw furs without a license.

Sec. 61 Section 150.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) The open season for taking rough fish by gigging, grabbling, tickling, noodling shall be prescribed by the Department, by regulation.

(2) Creel limits for rough fish taken by gigging, grabbling, tickling, noodling shall be set by the Department, by regulation.

Sec. 62 Section 150.445 of the Kentucky Revised Statutes is amended to read as follows:

No person shall, within seven hundred yards of the Kentucky Dam on the Tennessee River at Gilbertsville, unless a shorter distance is prescribed by regulation of the Department, nor within two hundred yards of any lock and dam on a navigable stream, take fish other than by pole and line in hand. No person shall place or use any trotline, hand line, set line, throw line or snag line or gig closer to any such lock or dam than the limits hereinabove prescribed.

Sec. 63 Section 150.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Minnows and crawfish to be used for bait for angling may be taken from the public waters of this state with a twine minnow seine not more than ten feet in length and four feet in width or height, with mesh not larger than one fourth inch, or with a minnow trap not more than three feet in length and eighteen inches in diameter, with an opening not larger than one inch. Any fish caught which are excluded from the definition

of minnows in KRS 150.010 shall be immediately returned, without injury, to the waters from which they are taken.

(2) Any person may take by the use of licensed (twine only) seines, the mesh of which is not less than two inches square or by the use of licensed hoop net (twine only) without wings, (or with wings, neither wing of which shall be longer than twenty feet, in the Mississippi River, Ohio River or any of the overflow lakes of Ballard, Carlisle, Hickman or Fulton Counties), any fish from the navigable streams or waters of this state; provided, however, that no wing nets shall be placed less than one hundred yards from the mouth of any tributary or inlet of the waters hereinabove specified. No person shall take any fish by seines or nets or place any seine or net in any of the above mentioned streams or waters within two hundred yards of the mouth of any navigable stream within the state, nor nearer than seven hundred yards below Kentucky Dam on the Tennessee River at Gilbertsville, unless the Department prescribes lesser limits with respect to such dam, nor within two hundred yards of any lock or dam on a navigable stream, nor above the last lock or dam in any navigable stream. The provisions of this sub-section shall apply to "rough fish" only. Any fish protected by this chapter which may be caught in seines or nets shall immediately be returned, without injury, to the waters from which taken.

(3) No person shall operate or have in possession any seines or nets unless he has procured a commercial fishing license or an Ohio River commercial fishing license and a metal tag for the use or possession of each net or seine, and has complied with the provisions of this chapter. The metal tags shall be affixed to and displayed on the seines or nets at all times. This section shall not be construed to require wholesale dealers or manufacturers to obtain licenses and tags for seines and nets in their possession for the purpose of sale outside of the state, or retail dealers selling legal seines or legal nets.

Sec. 64 Section 150.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person, firm or corporation, whether acting in a private or public capacity, shall place or cause to be placed in any public waters any substance that might injure, interfere with

or cause the waters to be unfit for the support of aquatic life. When any employee of a person, firm or corporation, in the course of his employment, places or causes to be placed any such substance in any public waters, his act shall be prima facie evidence of the guilt of both the employee and employer, and either one or both may be punished as provided in paragraph (a) of sub-section (4) of KRS 150.990. Each day that this section is violated shall constitute a separate offense. This section does not apply to employees of the Department of Fish and Wild Life Resources acting in official capacity.

(2) No person shall willfully and knowingly kill, injure, shoot, shock or stun or attempt to kill, injure, shoot, shock or stun any fish through the means of any explosive agent or similar substance.

(3) No person shall willfully place or attempt to place in any of the public waters of the state any substance which has a poisonous effect or intoxicating effect upon aquatic life.

(4) Conservation Officers and other persons appointed by the Commissioner and all peace officers have the authority to enforce KRS 220.580 to 220.990, known as the Water Pollution Control law.

Sec. 65 Section 150.470 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take or have in his or her possession in any one day more fish than the creel limit prescribed in the regulation. The regulation shall also provide the possession limit.

(2) No person shall take or have in his or her possession any fish smaller than the size limit prescribed in the regulation.

Sec. 66 Section 150.485 of the Kentucky Revised Statutes is amended to read as follows:

No person shall sell live bait to be used in angling unless he has obtained from the Commissioner a live bait dealer's license. No live bait dealer shall export any minnows or crawfish from this state or sell them to any nonresident to take the same out of the state.

Sec. 67 Section 150.500 of the Kentucky Revised Statutes is amended to read as follows:

A musseling license shall entitle the holder to operate on any shell bed.

Sec. 68 Section 150.510 of the Kentucky Revised Statutes is amended to read as follows:

On or before December 31st of the year in which any musseling license is issued the holder shall make a written report to the Department of Fish and Wild Life Resources, stating the total weight of mussel shells taken under the license, the names and locations of the waters from which the mussels were taken and the amount received for shells sold. Upon the failure of any licensee to make such a report, the Commissioner shall not issue another license until such report is made.

Sec. 69 Section 150.520 of the Kentucky Revised Statutes is amended to read as follows:

The Department shall make such requirements and regulations governing the operations of boats in the taking of mussels as it may deem best for the proper enforcement of this chapter. To prevent depletion of the mussel beds and to insure proper propagation of the mussels, the Department may close any beds to operators at any time and for such length of time as it deems necessary. During such closed season on any bed no one shall take mussels therefrom. When an order is issued closing any mussel bed, due notice of the same shall be published in at least three consecutive issues of a newspaper of general circulation in the county where the bed is located.

Sec. 70 Section 150.525 of the Kentucky Revised Statutes is amended to read as follows:

No person shall engage in the buying of mussel shells or mussels in the shell in this state unless he has in his possession a license authorizing him to do so. The annual fee for such license shall be $100.00 for a resident of this state, and $300.00 for a nonresident of this state. Such license shall be issued by the Department, either directly or through such county court clerks as the Commissioner may designate for the purpose.

Sec. 71 Section 150.590 of the Kentucky Revised Statutes is amended to read as follows:

No person shall have in his possession in this state, or bring

into this state, any gill nets, trammel nets, illegal seines or any steel traps not authorized by the Commissioner; except that a bona fide wholesaler or manufacturer may have any such device in his possession for sale to nonresidents outside of this state.

Sec. 72 Section 150.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each bird, fish or animal taken, possessed, bought, sold or transported and each device used or possessed contrary to the provisions of this chapter or any regulation adopted by the Commission thereunder shall constitute a separate offense. The penalties prescribed in this section shall be for each offense.

(2) Any person who violates any of the provisions of this chapter or any regulations adopted by the Commission hereunder, for which no definite fine or imprisonment is fixed by this section, shall be fined not less than $15.00 nor more than $100.00.

(3) Any person who violates any of the provisions of sub-section (3) of the KRS 150.090 sub-section (2) of KRS 150.180, KRS 150.300, 150.330 or 150.485 shall be fined not less than $25.00 nor more than $200.00 or imprisoned for not more than six months, or both.

(4) (a) Any person who violates any of the provisions of sub-section (1) of KRS 150.460 shall be fined not less than $100.00 nor more than $1,000.00, or imprisoned for not more than six months, or both.

(b) Any person who violates sub-section (2) or sub-section (3) of KRS 150.460 shall be guilty of a felony and upon conviction shall be confined in the penitentiary for not less than one year nor more than three years and shall be fined not more than $500.00.

(5) Any licensee who violates any provisions of this chapter or any regulation adopted by the Commission thereunder shall, in addition to the penalties provided in sub-sections (2), (3) and (4) of this section, forfeit his license.

(6) Any county court clerk who knowingly makes a false entry upon a license record or report, in violation of sub-section

(2) of KRS 150.190 shall be fined not less than $100.00 nor more than $500.00.

(7) Any person who violates the provisions of sub-section (2) of KRS 150.185 shall be fined not less than $15.00, nor more than $100.00.

(8) Any person who violates any provisions of KRS 150.390 shall be fined not less than $100.00, nor more than $1,000.00.

(9) Any person who violates KRS 150.525 shall be fined not less than $25.00, nor more than $200.00 or imprisoned for not more than six months, or both.

(10) Any persons who violate any regulation which has been or may be hereafter adopted by the Commission under any provisions of this chapter or which is adopted to supplement, explain, carry out or limit any provision of this chapter, shall be subject to the same penalty as is provided for the violation of any provisions of this chapter under which the regulation is adopted or which the regulation supplements, explains, carries out or limits.

Sec. 73 A new section of the Kentucky Revised Statutes is created to read as follows:

All property of whatsoever description and all moneys belonging to or held by another for the use and benefit of the Kentucky Division of Game and Fish shall, upon the effective date of this Act, become the exclusive property of the Department of Fish and Wild Life Resources. All officers, clerks, employees and other personnel employed by the Division of Game and Fish shall, upon the effective date of this Act, continue to hold and occupy the same status with regard to employment in the Department of Fish and Wild Life Resources; and all persons having previously taken and achieved a passing grade on civil service examinations for positions within the Division of Game and Fish, and who have thus obtained a place upon the Civil Service eligible list of said Division, shall continue after the effective date of this Act to hold their respective positions upon the civil service eligible list of the Department of Fish and Wild Life Resources.

Sec. 74 Sections 150.265, 150.398 and 150.480 of the Kentucky Revised Statutes are repealed.

Ordered that said bills and resolutions be printed and referred.

A message which was received from the House of Representatives further announced that they had passed bills which originated in the Senate of the following titles, viz:

S. B. No. 13. AN ACT concerning the practice of chiropody.

S. B. No. 41. AN ACT relating to the creation and establishment of public road districts in counties containing cities of the first class and in cities of the sixth class located in counties containing cities of the first class.

S. B. No. 70. AN ACT relating to motor transportation and motor vehicles.

S. B. No. 153. AN ACT concerning civil defense.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the day bills entitled, viz:

H. B. No. 145. AN ACT relating to unemployment insurance and amending KRS 341.030 (5), (6) and (7); KRS 341.090; (3); KRS 341.145; KRS 341.200; KRS 341.230; KRS 341.260, KRS 341.270; KRS 341.300; KRS 341.310; KRS 341.370 (4) and (5); KRS 341.380; KRS 341.390; KRS 341.420; (3); KRS 341.540; and KRS 341.990 (5).

H. B. No. 271. AN ACT relating to the taxation of special fuels.

H. B. No. 169. AN ACT concerning annexation of territory to cities of the third class.

H. B. No. 132. AN ACT relating to survival of actions, amending section 411.140 of the Kentucky Revised Statutes.

H. B. No. 139. AN ACT concerning stockyards.

H. B. No. 144. AN ACT relating to public health.

Senator Moloney moved that consideration of said bills be

deferred and that same be allowed to retain their place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 275. AN ACT relating to the excise tax on gasoline.

Senator Hines moved that consideration of said bill be deferred and that same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 150. AN ACT concerning the definition of "Filled Milk."

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	William J. Sample
Eugene H. Clark	Alvin Kidwell	Leon Shaikun
Augustus Cornett	Bert Kiser	Cortis K. Stacy
Archie Craft	Homer E. Losey	Wendell Van Hoose
Martin J. Duffy	Earl F. Martin	Ed P. Warinner
Ernest M. Ford	C. W. A. McCann	John M. Williams
Wayne Freeman	Strother Melton	E. V. Withers
James P. Hanratty	Richard P. Moloney	
Doug Hays	O. W. Montgomery	
W. Thomas Hines	Freeman Robinson	—27

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 277. AN ACT relating to taxes on the production of crude petroleum, and particularly in respect of penalties relating thereto.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	W. Thomas Hines	Freeman Robinson
Eugene H. Clark	Stanley Hoffman	William J. Sample
Augustus Cornett	Alvin Kidwell	Clay Shackleford
Archie Craft	Bert Kiser	Leon Shaikun
Martin J. Duffy	James Lassiter	Cortis K. Stacy
Ernest M. Ford	Earl F. Martin	Wendell Van Hoose
Wayne Freeman	C. W. A. McCann	Sylvester Wagner
Julian Golden	Strother Melton	John M. Williams
James P. Hanratty	Richard P. Moloney	E. V. Withers
Doug Hays	O. W. Montgomery	—29

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 274. AN ACT relating to the office of Receiver of the circuit court in a county containing a population of 300,000 or over and providing for the payment of such officer's compensation in case the fees of the office are not sufficient to meet his salary.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	William J. Sample
Eugene H. Clark	Alvin Kidwell	Leon Shaikun
Augustus Cornett	Bert Kiser	Cortis K. Stacy
Archie Craft	James Lassiter	Paul Stapleton
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Ernest M. Ford	C. W. A. McCann	Sylvester Wagner
Julian Golden	Strother Melton	John M. Williams
James P. Hanratty	Richard P. Moloney	E. V. Withers
Doug Hays	O. W. Montgomery	
W. Thomas Hines	Freeman Robinson	—28

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 225. AN ACT relating to the State Fair Board, repealing Subsection (2) of Section 247.170 of the Kentucky Revised Statutes.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	William J. Sample
Eugene H. Clark	Bert Kiser	Clay Shackleford
Archie Craft	James Lassiter	Leon Shaikun
Martin J. Duffy	C. W. A. McCann	Wendell Van Hoose
Julian Golden	Strother Melton	Sylvester Wagner
Doug Hays	Richard P. Moloney	John M. Williams
W. Thomas Hines	Freeman Robinson	E. V. Withers

—21

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 289. AN ACT amending Section 146.090 of the Kentucky Revised Statutes, relating to the Soil and Water Resources Commission.

Senator McCann moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Eugene H. Clark	Alvin Kidwell	William J. Sample
Martin J. Duffy	Bert Kiser	Leon Shaikun
Ernest M. Ford	James Lassiter	Paul Stapleton
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	C. W. A. McCann	Sylvester Wagner
Doug Hays	Strother Melton	John M. Williams
W. Thomas Hines	Richard P. Moloney	E. V. Withers

—24

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day bills of the following titles, viz:

H. B. No. 158. AN ACT relating to mines and minerals.

H. B. No. 196. AN ACT relating to public printing, amending Sections 57.045, 57.060, 57.090, 57.180 and 57.250 and repealing Sections 57.080 and 57.260 of the Kentucky Revised Statutes. (With Committee Amendment)

Senator Moloney moved that consideration of said bills be deferred and that they be allowed to retain their places in the Orders of the Day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 262. AN ACT concerning the placing of fire hydrants in the public ways in cities of the first class; the letting of contracts therefor and the apportionment of the costs thereof.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Leon Shaikun
Archie Craft	James Lassiter	Cortis K. Stacy
Martin J. Duffy	Earl F. Martin	Paul Stapleton
Ernest M. Ford	C. W. A. McCann	Wendell Van Hoose
Julian Golden	Richard P. Moloney	Sylvester Wagner
Doug Hays	O. W. Montgomery	John M. Williams
W. Thomas Hines	Freeman Robinson	E. V. Withers

—24

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was

passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they passed bills which originated in that body of the following titles, viz:

H. B. No. 125. AN ACT relating to common schools with particular reference to entrance age requirements.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 158.030 of the Kentucky Revised Statutes is amended to read as follows:

A "common school" is an elementary or secondary school of the state supported in whole or in part by public taxation. No school shall be deemed a "common school" or receive support from public taxation unless the school is taught by a qualified teacher for a term of eight or more months during the school year and every child residing in the district who is six years of age and over has had the privilege of attending it. Provided, however, that any child who is six years of age or who may become six years of age by September 30 following the opening of school may enter school provided that he enters within thirty calendar days of the beginning of that school year, with the exception that in schools having mid-year promotions any child who is six years of age or who may become six years of age within thirty calendar days after the opening of the second semester may enter school at the beginning of that semester. Any child who becomes six years of age later than September 30 following the opening of the school year shall not enter school during that year and in schools having mid-year promotions any child who becomes six years of age later than thirty days after the opening of the second semester shall not enter school during that semester.

Sec. 2. Any member of a school board who votes to permit

entrance to a school of any child not eligible therefor under the provisions of KRS 158.030 shall be fined not less than five dollars nor more than fifty dollars.

H. B. No. 326. AN ACT relating to eminent domain.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) In all actions for the condemnation of lands under the provisions of KRS 416.230 to 416.300 there shall be allowed to the landowners as damages such a sum as will fairly represent the reduction in the market value of the entire tract of land through which such pipe line is to be constructed, which reduction shall not be limited by the value per acre of the land actually embraced in the easement.

(2) Where access to the pipe line may be had over the easement sought to be condemned, ingress and egress to and from the pipe line and appurtenances shall be limited to the easement itself.

H. B. No. 327. AN ACT relating to the construction of pipe lines.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No pipe line for the transmission of gas, petroleum products or other inflammable or explosive substance shall be constructed or placed nearer than one half mile of any other pipe line of a like or similar nature used for a like or similar purpose except, (1) in cities where such lines are used for delivery of such products to retail customers, (2) where such lines converge within one mile of a pumping or booster station used and maintained for the increasing of the flow or pressure within such pipe line, or (3) where such pipe lines cross. At the points where such pipe lines cross it shall be the duty of the contractor to cross at a right angle where possible.

H. B. No. 368. AN ACT appropriating money out of the

General Expenditure Fund for the fiscal year ending June 30, 1952, for expenses of sessions of the General Assembly, and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated out of the funds in the General Expenditure Fund not otherwise appropriated for the fiscal year ending June 30, 1952, the sum of $150,000 for expenses of sessions of the General Assembly.

Section 2. Whereas the appropriation made by Chapter 1 of the Acts of 1950 for the expenses of Legislative Sessions for the fiscal year ending June 30, 1952, is insufficient to defray expenses of the current Regular Session of the General Assembly, and it is necessary that additional funds be immediately provided, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bills be printed and referred.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 282. AN ACT authorizing payment of traveling expenses of certain public officers and employees of counties containing cities of the first class.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	William J. Sample
Eugene H. Clark	Bert Kiser	Clay Shackleford
Archie Craft	James Lassiter	Leon Shaikun
Martin J. Duffy	Earl F. Martin	Cortis K. Stacy
Ernest M. Ford	C. W. A. McCann	Paul Stapleton
Wayne Freeman	Strother Melton	Wendell Van Hoose
Julian Golden	Richard P. Moloney	Sylvester Wagner
W. Thomas Hines	O. W. Montgomery	John M. Williams
Stanley Hoffman	Freeman Robinson	—26

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 288. AN ACT amending Section 104.390 of the Kentucky Revised Statutes, relating to the State Flood Control and Water Usage Board.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as

to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	W. Thomas Hines	Freeman Robinson
Eugene H. Clark	Stanley Hoffman	William J. Sample
Archie Craft	Alvin Kidwell	Clay Shackleford
Martin J. Duffy	Bert Kiser	Leon Shaikun
Ernest M. Ford	James Lassiter	Cortis K. Stacy
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	C. W. A. McCann	Sylvester Wagner
James P. Hanratty	Strother Melton	John M. Williams
Doug Hays	Richard P. Moloney	—26

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 20. AN ACT relating to district detectives.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as

to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	William J. Sample	
Eugene H. Clark	Alvin Kidwell	Clay Shackleford	
Archie Craft	Bert Kiser	Leon Shaikun	
Martin J. Duffy	James Lassiter	Cortis K. Stacy	
Ernest M. Ford	Earl F. Martin	Paul Stapleton	
Julian Golden	C. W. A. McCann	Wendell Van Hoose	
James P. Hanratty	Strother Melton	John M. Williams	
Doug Hays	Richard P. Moloney		
W. Thomas Hines	O. W. Montgomery		—25

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the Senate do now adjourn until 10 A.M., Friday, February 29, 1952.

Said motion was agreed to.

And then the Senate adjourned.

FRIDAY, FEBRUARY 29, 1952

The Senate convened and was called to order by the President Pro Tem of the Senate, Honorable Lewis Cox, Senator.

The Senate was opened with prayer by Reverend Glenn H. Stephens, Pastor of the South Frankfort Presbyterian Church, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	W. Thomas Hines	William J. Sample
Bernard J. Bonn	Stanley Hoffman	Clay Shackleford
Eugene H. Clark	Dr. J. E. Johnson	Leon Shaikun
Augustus Cornett	Alvin Kidwell	Cortis K. Stacy
Louis Cox	Bert Kiser	Paul Stapleton
Archie Craft	James R. Mansfield	Otis C. Thomas
Martin J. Duffy	C. W. A. McCann	Wendell Van Hoose
Ernest M. Ford	Strother Melton	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	John M. Williams
Julian Golden	O. W. Montgomery	E. V. Withers
James P. Hanratty	Jack R. Reynolds	
Doug Hays	Freeman Robinson	—34

The following Senators were absent—

James Lassiter	Earl F. Martin	Ed P. Warinner
Homer E. Losey		—4

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings for Thursday, February 27, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Stapleton moved that all absent members be granted leaves of absence.

Said motion was agreed to.

REPORTS OF COMMITTEES

Senator Duffy, Chairman of the Committee on Courts and Legal Procedure, to which said bills had been referred previously, reported bills entitled as follows, viz:

H. B. No. 123. AN ACT relating to bail.

H. B. No. 268. AN ACT relating to compensation of jurors.

With the expression of opinion that same should pass.

Thereupon, said bills were read at length for the first time and

Ordered placed in the Calendar.

Senator Shackelford, Chairman of the Committee on Judiciary and Judicial Council, to which said bill had been referred previously, reported a bill entitled as follows, viz:

S. B. No. 186. AN ACT concerning fees of court commissioners and receivers.

With the expression of opinion that same should pass with amendment by way of committee substitute, which is as follows, viz:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 186.

AN ACT concerning fees of court commissioners and receivers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 64.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fees of court commissioners and receivers for the following services shall be as follows:

To a commissioners for allotting dower, dividing land or settling accounts, per day ---------- $5.00

To a commissioner for making a deed ---------- 2.25

To master commissioner or receiver, where the amount is not agreed upon by the parties, for each day they are actually engaged ---------- 4.50

For selling land or personal property:

Where the amount of the sale does not exceed $2,000 ---- 11.25

Where the sale amounts to more than $2,000, but does not exceed $5,000 ---------- 15.00

Where the sale amounts to more than $5,000, but does not exceed $10,000 ---------- 22.50

Where the sale exceeds $10,000 ---------- 37.50

Where the officer goes out of the county to make the sale he shall be allowed his actual expenses and $7.50 per day in addition to the fees.

Where more than one tract of land is sold under the same decree, the court may allow not exceeding $7.50 for each additional tract sold.

If a sale is set aside because of the fault of the officer making the sale, he shall not receive any compensation for his services connected with the sale.

For receiving and paying out money under an order of court:

Where the amount is more than $1,000, but does not exceed $2,000, 2% on the first $1,000 and 2% on the excess.

Where the amount is more than $2,000, but does not exceed $5,000, 2% on the first $2,000, and 1.5% on the excess.

Where the amount is over $5,000, he shall receive fees on the first $5,000 as above provided, and 1% on the remainder, not to exceed a total of $250.00 for such receipts and payments.

Thereupon, said bill, with amendment by way of Committee Substitute, was read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 154. AN ACT relating to service and sale of natural gas to owners of property where gas wells or gas pipe lines are located. (With Committee Amendment)

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 239. AN ACT relating to powers of corporations: Amending Section 271.125 of the Kentucky Revised Statutes.

Ordered that said bill be read at length the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 280. AN ACT relating to the use of professional titles.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 233. AN ACT relating to the letting of work by

the Commissioners of Water Districts, amending Kentucky Revised Statutes 74.260.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 215. AN ACT relating to the construction of bridges by adjoining states over boundary line streams between this state and another and the reciprocal exemption thereof from taxes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 137. AN ACT relating to the practice of medicine and osteopathy.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 235. AN ACT relating to the licensing of paint sprayers.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 234. AN ACT relating to property escheated to the state.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 207. AN ACT relating to Partnerships.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 158. AN ACT relating to the distribution of In-Lieu Payments made by the Tennessee Valley Authority. (With Committee Amendment by way of Committee Substitute)

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 158. AN ACT relating to mines and minerals.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Louis Cox	Bert Kiser	Leon Shaikun
Martin J. Duffy	James Lassiter	Paul Stapleton
Ernest M. Ford	James R. Mansfield	Otis C. Thomas
Julian Golden	C. W. A. McCann	Sylvester Wagner
James P. Hanratty	Strother Melton	John M. Williams
Doug Hays	Richard P. Moloney	E. V. Withers
W. Thomas Hines	Jack R. Reynolds	—29

Those who voted in the negative were—

Archie Craft	Cortis K. Stacy	
O. W. Montgomery	Wendell Van Hoose	—4

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 400. AN ACT relating to redistricting the Commonwealth of Kentucky into eight Congressional Districts, amending Section 120.060 of the Kentucky Revised Statutes.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affiramtive.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Julian Golden	Homer E. Losey
Bernard J. Bonn	James P. Hanratty	James R. Mansfield
Eugene H. Clark	Doug Hays	C. W. A. McCann
Louis Cox	Stanley Hoffman	Strother Melton
Archie Craft	Dr. J. E. Johnson	Richard P. Moloney
Martin J. Duffy	Alvin Kidwell	O. W. Montgomery
Ernest M. Ford	Bert Kiser	Jack R. Reynolds
Wayne Freeman	James Lassiter	Freeman Robinson

William J. Sample	Cortis K. Stacy	John M. Williams
Clay Shackleford	Paul Stapleton	E. V. Withers
Leon Shaikun	Sylvester Wagner	—32

Those who voted in the negative were—

W. Thomas Hines	Otis C. Thomas	Wendell Van Hoose

—3

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills which originated in that body of the following titles, viz:

H. B. No. 330. AN ACT relating to fees of County Judges.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) For services rendered in civil matters in quarterly courts, county judges may collect the same fees allowed by KRS 64.240 to police judges and justices for similar services in civil matters.

(2) For settling accounts of fiduciaries the fee of the county judge may be 1/10% of the first $25,000 and 1/20% of the amount in excess of $25,000 of the gross estate. In no case shall the fee be less than $5.00 or more than $100.00.

H. B. No. 332. AN ACT relating to the fees of court commissioners and receivers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 64.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fees of court commissioners and receivers for the following services shall be as follows:

To a commissioner for allotting dower, dividing land, settling account, or appraising damage for right-of-ways, per day, not to exceed	$15.00
To a commissioner for making a deed	5.00
To master commissioner or receiver, where the amount is not agreed upon by the parties, for each day they are actually engaged	3.00
For selling land or personal property: Where the amount of the sale does not exceed $2,000	7.50
Where the sale amounts to more than $2,000, but does not exceed $5,000	10.00
Where the sale amounts to more than $5,000, but does not exceed $10,000	15.00
Where the sale exceeds $10,000	25.00

Where the officer goes out of the county to make the sale he shall be allowed his actual expenses and five dollars per day in addition to the fees. Where more than one tract of land is sold under the same decree, the court may allow not exceeding five dollars for each additional tract sold. If a sale is set aside because of the fault of the officer making the sale, he shall not receive any compensation for his services connected with the sale.

For receiving and paying out money under an order of court: Where the amount is $1,000 or less, 2%. Where the amount is more than $1,000, but does not exceed $2,000, 2% on the first $1,000 and 1.5% on the excess. Where the amount is more than $2,000, but does not exceed $5,000, 2% on the first $1,000, 1.5% on the second $1,000, and 1% on the excess. Where the amount is over $5,000, he shall receive fees on the first $5,000 as above provided, and 0.5% on the remainder.

Ordered that said bills be printed and referred.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

H. B. No. 4. AN ACT changing the classification of the City of Elsmere, in Kenton County.

H. B. No. 11. AN ACT relating to terms of court in the Fifteenth Judicial District.

H. B. No. 15. AN ACT changing the classification of the city of Worthington, in Greenup County.

H. B. No. 58. AN ACT relating to zoning and planning in cities of the second class and in counties containing such a city.

H. B. No. 82. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

H. B. No. 95. AN ACT relating to qualification, registration and purgation of voters.

H. B. No. 115. AN ACT permitting the creation of a County Police Force Merit System, providing for the establishment of a Merit Board and defining its powers and duties, and providing for the classification, qualification, examination, appointment, tenure, promotion, demotion, fine, suspension, discipline, immunities and removal of police personnel, prohibiting certain defined political activities, providing penalties therefor and repealing laws in conflict.

H. B. No. 116. AN ACT relating to terms of court in the Twenty-Fourth Judicial District.

H. B. No. 149. AN ACT to amend Sections 247.250, 247.280, 247.330, 247.340, 247.350, 247.370 of the Kentucky Revised Statutes relating to county farm bureaus and a state federation of county farm bureaus.

H. B. No. 173. AN ACT concerning the development and promotion of the sheep industry in Kentucky.

H. B. No. 204. AN ACT relating to the acquisition of industrial buildings and equipment by cities, amending section 103.200 of the Kentucky Revised Statutes.

H. B. No. 223. AN ACT to further regulate motor trucks, semi-trailer trucks, and trailers, clarifying and enlarging the powers of the Commissioner of Highways and the county judges relating thereto, and amending KRS 189.280.

H. B. No. 226. AN ACT further empowering the Commissioner of Highways to establish certain highways through fourth, fifth, and sixth class cities.

H. B. No. 227. AN ACT relating to the Department of Welfare, amending Section 439.100 of the Kentucky Revised Statutes.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President Pro Tem of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Chief Clerk of the Senate deliver the original and enrolled copies of said bill to the Enrolling Clerk of the House.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled a bill of the following title, viz:

S. B. No. 50. AN ACT relating to the licensing, inspection, and regulation of hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President Pro Tem of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Enrolling Clerk of the Senate deliver the original and enrolled copies of said bills to the House.

After a time the Enrolling Clerk delivered said original and enrolled copies of said bills duly signed by the Speaker of the House.

Ordered that the Chief Clerk of the Senate deliver said bills to the Governor.

After a time, the Chief Clerk aforesaid reported that he had discharged that duty.

Senator Montgomery, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been referred previously, reported bills of the following titles, viz:

H. B. No. 53. AN ACT concerning certain changes in the provisions concerning the involuntary dissolution of private corporations.

H. B. No. 278. AN ACT relating to the bank night awards tax.

With the expression of opinion that said bills should pass.

Thereupon, said bills were read at length for the first time and

Ordered placed in the Calendar.

S. B. No. 243. AN ACT concerning examinations of attorneys at law.

With the expression of opinion that said bill should not pass.

ORDERS OF THE DAY

Senator McCann moved that S. B. No. 243 be placed in the Calendar, despite the report of committee to the contrary.

The yeas and nays being taken on said motion were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	C. W. A. McCann	Paul Stapleton
Bert Kiser	Jack R. Reynolds	Sylvester Wagner

—6

Those who voted in the negative were—

Eugene H. Clark	John M. Williams	E. V. Withers

—3

Thereupon said motion was disagreed to.

Senator Kiser moved that the rules of the Senate be suspended for the purpose of a Report of Committee.

Said motion was agreed to.

Senator Kiser, Chairman of the Committee on Motor Vehicles, Commerce and Common carriers, to which said bill had been referred previously, reported a bill of the following title, viz:

H. B. No. 60. AN ACT relating to the licensing of motor vehicles.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Senator Moloney moved that the Senate do now adjourn until 8 P.M., Monday, March 3, 1952.

Said motion was agreed to.

And then the Senate adjourned.

MONDAY, MARCH 3, 1952

The Senate convened and was called to order by the President of the Senate, Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend Paul S. Stauffer of the First Christian Church, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Archie Craft	Doug Hays
Bernard J. Bonn	Martin J. Duffy	W. Thomas Hines
Eugene H. Clark	Ernest M. Ford	Stanley Hoffman
Augustus Cornett	Wayne Freeman	Dr. J. E. Johnson
Louis Cox	Julian Golden	Alvin Kidwell

Bert Kiser	Richard P. Moloney	Cortis K. Stacy
James Lassiter	O. W. Montgomery	Paul Stapleton
Homer E. Losey	Jack R. Reynolds	Otis C. Thomas
James R. Mansfield	Freeman Robinson	Wendell Van Hoose
Earl F. Martin	William J. Sample	Ed P. Warinner
C. W. A. McCann	Clay Shackleford	John M. Williams
Strother Melton	Leon Shaikun	E. V. Withers

—36

The following Senators were absent—

James P. Hanratty	Sylvester Wagner	—2

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings for Friday, February 29, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to,

Senator Montgomery moved that Senate Bill 209 be recommitted.

Said bill is entitled as follows, viz:

S. B. No. 209. AN ACT relating to and regulating advertising signs or devices on or adjacent to public highways, and providing penalties. (With amendments)

The yeas and nays being taken on the said motion were as follows, viz:

Those who voted in the affirmative were—

Augustus Cornett	Homer E. Losey	Sylvester Wagner
Julian Golden	O. W. Montgomery	Ed P. Warinner
Doug Hays	Freeman Robinson	
W. Thomas Hines	Otis C. Thomas	—10

Those who voted in the negative were—

H. Stanley Blake	Dr. J. E. Johnson	Clay Shackleford
Eugene H. Clark	James Lassiter	Leon Shaikun
Louis Cox	Earl F. Martin	Cortis K. Stacy
Archie Craft	Strother Melton	Paul Stapleton
Stanley Hoffman	Richard P. Moloney	—14

Thereupon said motion was lost.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Senator Moloney.

S. B. No. 247. AN ACT relating to strip or open pit mining, and the conservation of natural resources as affected thereby.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The General Assembly finds that the mining of coal by the strip or open pit method causes soil erosion, stream pollution, the accumulation of stagnant water and the seepage of contaminated water, increases the likelihood of floods, destroys the value of land for agricultural purposes, counteracts efforts for the conservation of soil, water and other natural resources, destroys or impairs the property rights of citizens, creates fire hazards, and in general creates hazards dangerous to life and property, so as to constitute an imminent and inordinate peril to the welfare of the Commonwealth. The General Assembly further finds that there are wide variations in the circumstances and conditions surrounding and arising out of the mining of coal by the strip or open pit method, due primarily to differences in topographical and geological conditions, and by reason thereof it is necessary, in order to provide the most effective, beneficial and equitable solution to the problem, that a broad discretion be vested in the authority designated to administer and enforce the regulatory provisions enacted by the General Assembly. The General Assembly further finds that other commercial activities involving the removal of minerals and other natural substances other than coal from the earth by strip or open pit methods occasionally cause conditions or create results of the character enumerated above, but that no imminent or inordinate peril presently exists by reason thereof. Therefore, it is the purpose of this Act to provide such regulation and control of the mining of coal by the strip or open pit method as to minimize its injurious effects as much as may be possible.

Sec. 2. There hereby is created a "Strip Mining and Reclamation Commission," which shall constitute an independent

agency of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes, and which shall be composed of the Commissioner of Conservation, serving as chairman, the Chief of the Department of Mines and Minerals, and the Director of Strip Mining and Reclamation provided for in Section 3 of this Act. The members of the commission, other than the Director of Strip Mining and Reclamation, shall receive no compensation for their services on the commission, but shall be reimbursed for their actual and necessary expenses incurred in performing their functions. The commission shall meet from time to time on the call of the chairman or of the Director of Strip Mining and Reclamation.

Sec. 3. The Director of Strip Mining and Reclamation shall be appointed by the Governor for a term not to exceed four years. The director shall receive a salary to be fixed by the Governor, and shall be reimbursed for actual and necessary expenses incurred in the performance of his duties. He shall be the executive officer of the commission and shall have supervision of the commission staff. The commission shall have power to employ such personnel as may be required to carry out the purposes of this Act. However, the services and facilities of other state agencies, within the scope of their regular functions, shall be utilized as far as possible to minimize the personnel requirements of this Act.

Sec. 4. The Strip Mining and Reclamation Commission shall prescribe reasonable rules and regulations within the scope of this Act to accomplish the purposes of the Act. Any member of the commission or any employe delegated by the director shall have the right to enter upon any premises where strip or open pit mining of coal is being conducted or has been conducted, for the purpose of inspection or enforcement.

Sec. 5. (1) Except as provided in subsection (5) of this section, no person, after sixty days from the effective date of this Act, shall engage in the mining of coal by the strip or open pit method, as a principal or operator or proprietor of the operation, without first having obtained from the Strip Mining and Reclamation Commission a permit therefor, designating the acreage upon which the operation is authorized to be conducted,

and no operation shall be conducted upon any land other than that covered by a permit.

(2) The person desiring a permit shall file an application stating:

(a) The location and area of the land to be covered by the permit as shown on a map or plat filed with the application.

(b) The owner or owners of the surface of the land.

(c) The owner or owners of the coal to be mined.

(d) The source of the applicant's legal right to enter and mine the coal on the land to be covered by the permit.

(e) The permanent and temporary post office addresses of the applicant.

(f) Whether the applicant holds any other permits under this Act and an identification thereof.

(3) Before a permit is issued the applicant shall file with the commission a bond payable to the Commonwealth, with satisfactory corporate surety, in the penal sum of not less than one hundred dollars for each acre or fraction thereof to be covered by the permit, conditioned for the faithful performance of the requirements set forth in Section 6 of this Act. The commission may require the bond to be in such penal sum in excess of one hundred dollars but not in excess of five hundred dollars, for each acre or fraction thereof to be covered by the permit, as may be deemed necessary to accomplish the purpose for which the bond is required, taking into consideration the character and suitable use of the land involved, and the estimated cost of complying with the provisions of Section 6 of this Act.

(4) Upon the filing of a proper application and bond, and upon payment by the applicant of a basis fee of fifty dollars plus ten dollars for each acre or fraction thereof to be covered by the permit, the commission shall issue the requested permit.

(5) This section shall not apply to any operator who produces, through the mining of coal by the strip or open pit method, less than 250 tons of coal in any twelve-month period.

Sec. 6. Within the time specified in Section 7 of this Act.

any person who has carried on strip or open pit mining operations under a permit issued pursuant to this Act shall:

(1) Cover the face of the coal and, as far as practicable, bury all roof coal and pyritic shales.

(2) Seal off with an earth fill, any break-through to underground working in the coal.

(3) To the extent required by regulations of the Strip Mining and Reclamation Commission, drain the surface involved in the mining operation, and provide such outlets as may be necessary to conduct storm and seepage waters from the surface to a permanent stream or stream bed with as little erosion as possible.

(4) Remove all metal, lumber and other refuse resulting from the operation.

(5) In the case of lands which, prior to the mining operation, were suitable for agricultural or grazing purposes, regrade, in a manner approved by the Strip Mining and Reclamation Commission, the overburden or the other strata removed from the coal so as to refill any ditches, trenches or excavations made in the mining operation and restore the surface of the land to a reasonable contour, so as to minimize the hazards of floods, pollution of streams and water, accumulation of stagnant water, and the loss of soil for agricultural or grazing purposes.

(6) Where necessary to prevent erosion or to restore the productive qualities of the soil, plant trees, shrubs, grasses or vines upon lands affected, in accordance with regulations in respect to the time and manner of planting, and the type and quantity of fertilizer and lime to be used, prescribed by the Strip Mining and Reclamation Commission. The owner of the surface shall be entitled to his choice of varieties among the trees, shrubs, grasses or vines prescribed by the commission.

Sec. 7. If the things required by Section 6 of this Act are not done within two years after the date of issuance of the permit, the Strip Mining and Reclamation Commission shall cause a notice of noncompliance to be served upon the holder of the permit, by registered mail addressed to the permanent address shown on the application for the permit, specifying in what re-

spects the holder has failed to comply. If, within forty days after the mailing of the notice, the holder of the permit has not fully complied with the requirements, the permit shall be revoked and the performance bond shall be forfeited, and any other permits held by the same operator shall also be revoked. Any operator whose permit has been revoked shall not be eligible to receive another permit under this Act until he has complied with all of the requirements of this Act in respect to former permits issued to him.

Sec. 8. If the operator, land owner, or coal owner, including the lessee, desires to conduct drift mining operations upon premises covered by a strip mining permit, after cessation of the the strip mining operations, he may designate drift locations, and also outside haulageways along the exposed face of the coal, at which places it will not be necessary to replace the overburden during such time as bona fide drift mining operations are being carried on.

Sec. 9. The holder of a permit under this Act may file application with the Strip Mining and Reclamation Commission for an order authorizing him to reclaim and rehabilitate, in accordance with the provisions of Section 6 of this Act, a different area of land in lieu of that covered by his permit. Such different area of land must be land affected by strip or open pit mining of coal, of not less acreage than the land covered by the permit, and must be of a character and have a reclaimable value similar to the land covered by the permit. The application shall identify the different area of land and shall be accompanied by a map or plat showing its location, area and boundaries. The application shall also be accompanied by the written consent of the owner of the different area of land, to the proposed reclamation work, and by the written consent of the owner of the land covered by the permit, to release of the permit-holder from his obligation to reclaim the land covered by the permit. The commission may grant such application, in its discretion, and upon issuance of an order granting the application, the permit holder shall reclaim, in accordance with the provisions of Section 6 of this Act, the land described in the application, and shall be relieved of his obligation to reclaim the land covered by the permit.

Sec. 10. The holder of a permit under this Act may, at any time within one year from the date of issuance of the permit, apply to the Strip Mining and Reclamation Commission for an amendment of the permit so as to reduce or increase the acreage covered by the permit. In the case of an application for reduction of acreage, the application shall identify the land desired to be released from the permit, and the applicant shall present proof that he has not conducted strip or open pit mining on such land; and if the commission finds that the application should be granted, it shall amend the permit accordingly, execute a partial release of the performance bond in proportion to the released land, and refund to the applicant, out of the Strip Mining and Reclamation Fund, the sum of ten dollars for each acre of land released from the permit. An application for an increase of acreage shall not be allowed for more than one acre in excess of that covered by the original permit; such application shall be in the same form as an original application for a permit; the applicant shall be required to pay a fee of ten dollars for the amendment, and shall be required to file a supplemental bond covering the additional land.

Sec. 11. When a bond is forfeited pursuant to the provisions of Section 7 of this Act, the Director of Strip Mining and Reclamation shall give notice thereof to the Attorney General, who shall collect the forfeiture without delay.

Sec. 12. All sums received through the payment of fees or the forfeiture of bonds shall be placed in the State Treasury and credited to a special agency fund account to be designated as the "Strip Mining and Reclamation Fund." This fund shall be available to the Strip Mining and Reclamation Commission for expenditure in the enforcement and administration of this Act and for the purpose of reclaiming and rehabilitating lands upon which strip mining operations have been conducted. The salaries and expenses authorized by this Act shall be paid out of this fund upon voucher of the Director of Strip Mining and Reclamation.

Sec. 13. The Strip Mining and Reclamation Commission shall cause to be reclaimed and rehabilitated, in accordance with the standards set forth in Section 6 of this Act, land with respect to which the permit holder has not complied with the require-

ments of Section 6. For this purpose, the commission may use moneys in the Strip Mining and Reclamation Fund, and may avail itself of any services that may be provided by other state agencies or by the federal government. The commission may cause the reclamation and rehabilitation work to be done through contracts with qualified persons, such contracts to be awarded to the lowest and best bidder upon competitive bids after reasonable advertisement.

The commission and any other public agency cooperating with the commission, and any contractor under a contract with the commission, shall have the right of access to the land for the purpose of this section. So far as practicable, moneys received from bond forfeiture shall be expended upon the lands to which the bond applied.

Sec. 14. When any permit holder has completed his operations under a permit and has complied with the provisions of Section 6 of this Act, the Director of Strip Mining and Reclamation, on proof of such compliance and surrender of the permit, shall issue to the permit holder a certificate of release, whereupon the bond given by the permit holder shall be discharged and the surety therein released.

Sec. 15. Any person aggrieved by any order, determination, ruling or regulation of the Strip Mining and Reclamation Commission, or of the Director of Strip Mining and Reclamation, may, within thirty days after the issuance thereof, apply to the commission for a review thereof. The commission shall, as soon as practicable review the matter, hear the parties, their representatives and witnesses, and make a final order, determination, ruling or regulation, a copy of which shall be mailed to the interested parties. Within twenty days after the mailing of final order, determination, ruling or regulation, any person aggrieved thereby may appeal therefrom, on any question of law, including adequacy of evidence, to the Franklin Circuit Court. The petition shall state fully the grounds upon which a review is sought, assign all errors relied on, and be verified by the petitioner. Two copies of the petition shall be filed with the commission on the day it is filed with the Clerk of the Franklin Circuit Court. The petitioner shall file as a part of his petition the record before

the commission, including all the pleadings, orders and such parts of the evidence as he believes necessary to develop the points involved. The commission may certify other portions of the evidence. To facilitate adjudication of the matter, the commission shall furnish to the petitioner, on payment of a reasonable fee to be fixed by the commission, a certified copy of such parts of the record as he may require. The case shall then be heard by the court on the record, except that either party may introduce evidence of fraud. Except as otherwise expressly provided, the provisions of the Civil Code shall govern procedure involving appeals from any order, determination, ruling or regulation of the commission.

Sec. 16. (1) Any person who engages in the mining of coal by the strip or open pit method in violation of the provisions of Section 5 of this Act shall be fined not less than one thousand dollars nor more than five thousand dollars for each offense, and each day upon which a violation occurs or continues shall constitute a separate offense.

(2) Any person who willfully misrepresents any fact or willfully gives false information in any application under this Act shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

Sec. 17. To carry out the purposes of this Act, there is appropriated to the Strip Mining and Reclamation Commission, out of the General Expenditure Fund in the State Treasury, the sum of $5,000 for the balance of the 1951-52 fiscal year, $15,000 for the 1952-53 fiscal year, and $15,000 for the 1953-54 fiscal year.

Sec. 18. This Act shall be known as "The Strip Mining and Reclamation Act."

Sec. 19. WHEREAS, the mining of coal by the strip or open pit method is creating conditions detrimental to the interests and welfare of the Commonwealth, and immediate remedying thereof is essential, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Senator McCann.

S. B. No. 248. AN ACT to provide for the accurate deter-

mination of the boundaries of all counties in this state and creating a boundary line commission.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created, as an independent agency of the state government, a commission to be known as the Boundary Line Commission of Kentucky (hereinafter referred to as the commission). The commission shall be composed of not more than nine members, who shall be appointed by the Governor for terms of four years and who shall hold office at the pleasure of the Governor. One member shall from time to time be designated as chairman by the Governor.

The members of the commission shall be chosen for their special qualifications as property owners and as representatives of industry, agriculture and other occupational and civic groups interested in the political subdivision lines of this state. The members of the commission shall serve without compensation but shall be reimbursed for their expenses while attending meetings of the commission or otherwise discharging their official duties.

The commission shall meet at the call of the chairman, at such time and place as shall be designated in the call, and shall meet at such other times and places as may be fixed by resolution duly entered in the minutes of the commission.

Section 2. The commission, with the approval of the Governor, may employ a director who shall be the executive officer of the commission and who shall be paid a salary not to exceed $5,000 per annum. The commission may employ and fix the compensation of such other personnel as may be needed to carry out the provisions of this Act.

Section 3. The commission shall, through its director, and in conformity with the program of the Topographical Aerial Survey and Mapping Program currently being conducted by the Agricultural and Industrial Development

Board of Kentucky, to supervise and direct the fiscal courts, county surveyors, county attorneys and other county officials in the proper determination of the boundaries of the counties of this state.

Section 4. The commission, through its director, shall be thoroughly acquainted with and keep a proper index of all Acts of the General Assembly by which the existing counties of this state were created and their boundaries established or changed. The commission, through its director, shall also be thoroughly acquainted with the details of the judgments of courts in actions involving the determination of county boundaries.

Section 5. The commission shall cause its director to make a detailed study of such portions of the boundaries of this state as may be in dispute or which are alleged to be un-determined and a report of such study shall be made to the Governor. The commission shall further cause the director to make a detailed study of the advisability of merging two or more counties or creating new counties from parts of existing counties and shall make a detailed report of its findings to the Governor.

The commission is authorized to obtain correlative data from any other state agency or department for any of its studies hereinabove authorized.

Section 6. Before any action involving the location of a county boundary may be brought in any court of this state, the controversy shall be submitted to the commission which shall, through its director, investigate and, if necessary, hold public hearings for the purpose of determining the location of such boundary. The commission shall make a report of its findings to the Governor and a certified copy of such report shall, when filed in court in any action involving the determination of a county boundary, constitute prima facie evidence of the accurate location of such boundary.

Section 7. The fiscal court of each county shall, in cooperation with the fiscal court of any county adjoining

such county, cause the boundaries of the county to be ground located in conformity with the Acts of the General Assembly establishing or changing such boundaries and with the judgment of a court in any action involving the determination of such boundaries. The boundary line shall be properly monumented and a legal description thereof recorded in the office of the County Clerk.

The boundary line of each county shall be monumented by erecting a marker or monument at each focal point, or, if any focal point lies in water as a natural geographical feature, then two determining points on stable ground as close as possible shall be monumented with proper azimuths recorded; at each intersection of the boundary line with a public road; and at intervals of not greater than two miles along the connecting straight line thereto, unless said connecting line is a reasonably permanent natural geographical feature. Monuments constructed of reinformed concrete or other permanent material shall be of uniform size of approximately eight inches by eight inches at the top becoming slightly but substantially stronger near the base. Monuments shall be buried in the ground at least four feet and shall extend above ground four feet and marked with the letters "C. L." near the top. Accurate legal descriptions of the locations or re-locations of monuments shall be recorded in the office of the county clerk of each county and, after approval by the fiscal court and county court a copy shall be filed in the office of the Secretary of State.

Section 8. The county surveyor of each county, in cooperation with the county surveyor of any adjacent county, shall attest the proper location of the boundary line of the county and the location of the monuments marking said boundary line.

The county surveyor is authorized to seek and notarize the statements of at least three persons of sound mind for each seemingly lost or uncertain focal point of the county boundary line, who, with reasonable clarity, can locate and identify said focal point by indicating some landmark or by possession of a letter or other identifying substance or by

memory of statements made by ancestors or others who knew the location of said focal point.

The county surveyor shall disclose to any land owner or prospective land owner the legal description and ground location of the county boundaries.

The county surveyor shall ground locate the territorial limits of jurisdiction of any officer of the county. He shall determine the taxable acreage of any tract of land of questionable acreage in the county and shall determine the taxable acreage in the county of a tract of land which is intersected by the county boundary line. He shall also determine the distance from the county boundary line of any certain location in the county for the purpose of determining citizenship, law enforcement or any other function of county government. He shall attest and certify any map, plat or sketch used or to be used by any county officer, county department or court in the county.

Section 9. The county attorney shall attest and certify the form and legality of any document authorized by the terms of this Act to be executed.

Section 10. Each county shall proceed to determine its boundaries as soon as possible and shall ground locate them in accordance with the standards established and used in the current state Topographical Aerial Survey and Mapping Program being conducted by the Agricultural and Industrial development Board of Kentucky. The appropriate maps and other expedients of said survey usable in connection with the determination of county boundaries shall be purchased by each county from the Agricultural and Industrial Development Board.

Section 11. Each county boundary located and monumented as provided by this Act shall be considered the county boundary as intended and provided for by the General Assembly and shall be used as the true boundary regardless of any boundary previously used by such county.

Section 12. The provisions of this Act are mandatory. Any officer who fails to perform his duties as herein provided shall forfeit his office.

Section 13. There is hereby appropriated out of the General Expenditure Fund to the Boundary Line Commission of Kentucky for the fiscal years 1952-53 and 1953-54 the sum of $25,000 for the purpose of carrying out the provisions of this Act.

By Senator Wagner.

S. B. No. 249. AN ACT relating to licensing of motor vehicle operators.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (1) of section 186.440 of Kentucky Revised Statutes is amended to read as follows:

An operator's license shall not be granted to:

(1) Any person under the age of eighteen.

Section 2. Subsection (1) of section 186.470 of the Kentucky Revised Statutes is amended to read as follows:

(1) The application of any minor under the age of twenty-one for an operator's license or instruction permit shall not be granted unless the application is signed by the father of the applicant, if the father is living and has custody of the applicant, otherwise by the mother or guardian having the custody of the minor. If the minor has no father, mother or guardian, an operator's license or instruction permit shall not be granted to the minor unless his application is signed by a person willing to assume the obligation imposed by KRS 186.590 upon a person signing the application of a minor. Such a signature need not be required in the case of the renewal of a minor's license but the signature on the original application shall continue to make the parent, guardian or other person liable under the provisions of KRS 186.590 on all renewals of the minor's license until he reaches the age of twenty-one unless the license, or any renewal thereof, is cancelled as provided in subsection (2) of this section.

Section 3. Section 186.590 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any negligence of a minor under the age of twenty-one who has been licensed upon an application signed as provided by KRS 186.470, when driving any motor vehicle upon a highway, shall be imputed to the person who signed the application of the minor for the license. That person shall be jointly and severally liable with the minor for any damages caused by the negligence.

(2) If a minor deposits or there is deposited in his behalf, a proof of financial responsibility in form and amounts required by KRS Chapter 187, the person who signed the application shall not, while such proof is maintained, be subject to the liability imposed by subsection (1). If the minor is the owner of a motor vehicle, the proof of financial responsibility shall be with respect to the operation of that motor vehicle; if not an owner, then with respect to the operation of any motor vehicle.

(3) Every motor vehicle owner who causes or knowingly permits a minor under the age of twenty-one to drive the vehicle upon a highway, and any person who gives or furnishes a motor vehicle to the minor shall be jointly and severally liable with the minor for damage caused by the negligence of the minor in driving the vehicle.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills which originated in that body of the following titles, viz:

H. B. No. 159. AN ACT relating to the offering and paying of rewards for the apprehension and conviction of persons guilty of stealing cattle or other domestic animals.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. When in any community of the state there have

been repeated or aggravated instances of larceny of cattle, the Governor may offer a reward for the apprehension and conviction of any person guilty of larceny of cattle, as defined in KRS 446.010, in such community, and in his discretion may employ detectives, not exceeding two at any one time, for the ferreting out, apprehension and conviction of any offender. The reward may be in any sum fixed by the Governor, not exceeding $1,000. The Governor shall by executive proclamation designate the boundaries of the community to which the reward shall apply. The reward shall be paid out of the Governor's General Emergency Fund.

H. B. No. 369. AN ACT relating to the Division of Publicity, amending KRS 146.060.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 146.060 of the Kentucky Revised Statutes is amended to read as follows:

The Division of Publicity shall promote, advertise and publicize the Commonwealth, its departments, agencies and institutions, highways, bridges, tourist attractions and any and all of its other resources, facilities and advantages. The division may engage in the preparation, publication and distribution of road maps, booklets, other publications, photographs, advertisements, motion pictures, and other activities intended to advertise and publicize Kentucky highways and highway conditions, tourist, scenic and travel attractions and places of interest to motorists and other resources or activities of the Commonwealth. The division may purchase space in magazines, newspapers and other publications, purchase radio or television time, and may cause to be made and circulated all maps, prints, plans, lithographs, engravings, and other specialized work deemed necessary in the dissemination of information concerning roads and highways, tourist attractions and other resources or activities of the Commonwealth. The division may receive and spend donations, and funds appropriated to other departments may be transferred to the Division of Publicity to carry out the purposes of this act, with the approval of the Department of Finance.

Ordered that said bills be printed and referred.

A message was received from the House of Representatives further announced that they had passed bills which originated in the Senate of the following titles, viz:

S. B. No. 81. AN ACT relating to the appellate civil jurisdiction of the Court of Appeals.

S. B. No. 131. AN ACT to repeal, amend and reenact sections 278.130, 278.190, 278.290, 278.410, and 278.450 Kentucky Revised Statutes, which sections relate to the regulation of utilities, and declaring an emergency to exist.

S. B. No. 154. AN ACT authorizing the Governor of the Commonwealth of Kentucky to enter into a compact with any other state or states for mutual assistance in meeting any civil defense emergency or disaster.

S. B. No. 159. AN ACT relating to utilities owned by cities of the second to sixth classes.

S. B. No. 180. AN ACT relating to insurance rates, amending KRS 304.603 and KRS 304.627. (With House Amendments)

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 123. AN ACT relating to bail.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 268. AN ACT relating to compensation of jurors.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 186. AN ACT concerning fees of court commissioners and receivers. (With amendment by way of committee substitute)

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 53. AN ACT concerning certain changes in the provisions concerning the involuntary dissolution of private corporations.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 278. AN ACT relating to the bank night awards tax.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 60. AN ACT relating to the licensing of motor vehicles.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 158. AN ACT relating to the distribution of In-Lieu Payments made by the Tennessee Valley Authority.

Senator Moloney moved the adoption of amendment by way of Committee Substitute, which is as follows, viz:
Committee substitute for Senate Bill No. 158

AN ACT relating to the distribution of In-Lieu Payments made by the Tennessee Valley Authority.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Except for payments made directly by the Tennessee Valley Authority to counties, the total fiscal year payment received by the Commonwealth of Kentucky from the Tennessee Valley Authority, as authorized by Section 13 of the Tennessee Valley Authority Act as amended, shall be prorated thirty per cent to the General Fund of the Commonwealth and seventy per cent among counties, cities, and school districts as provided in subsection (2).

(2) The payment to each county, city, and school district shall be determined by the proportion that the book value of Tennessee Valley Authority property in such taxing district, mul-

tiplied by the current tax rate, bears to the total of the book values of Tennessee Valley Authority property in all such taxing districts in the Commonwealth, multiplied by their respective tax rates.

(3) As soon as practicable after the amount of payment to be made to the Commonwealth of Kentucky is finally determined by the Tennessee Valley Authority, the Kentucky Department of Revenue shall determine the book value of Tennesse Valley Authority property in each county, city, and school district and shall prorate the total payment received from the Tennessee Valley Authority, except payments received directly from the Tennessee Valley Authority, among the distributees as provided in subsection (2). The Department of Revenue shall certify the payment due each taxing district to the Department of Finance which shall make the payment to such district.

(4) As used in subsection (2) and (3) of this section, "Tennessee Valley Authority Property" means land owned by the United States and in the custody of the Tennessee Valley Authority, together with such improvements (including work in progress but excluding temporary construction facilities) as have a fixed situs thereon if and to the extent that such improvements either: (a) were in existence when title to the land on which they are situated was acquired by the United States or (b) are allocated by the Tennessee Valley Authority or determined by it to be allocable to power; provided however, that manufacturing machinery as interpreted by the Department of Revenue for franchise tax determination shall be excluded. As used in said subsections "book value" means original cost less accrued depreciation as reflected in Tennessee Valley Authority's books of account. "Book value" shall be determined, for purposes of applying said subsections, as of the June 30 used by the Tennessee Valley Authority in computing the annual payment to the Commonwealth which is subject to redistribution by the Commonwealth.

(5) This Act shall be applicable to all payments received after June 30, 1954 from the Tennessee Valley Authority under Section 13 of the Tennessee Valley Authority Act as amended.

Said motion was agreed to.

Thereupon said amendment by way of Committee Substitute was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment, be engrossed and read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendment, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendment, having been dispensed with, and same having been engrossed, said bill, with amendment by way of Committee Substitute, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment by way of Committee Substitute, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Bert Kiser	Clay Shackleford
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	James R. Mansfield	Otis C. Thomas
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Ernest M. Ford	C. W. A. McCann	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warinner
Julian Golden	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
W. Thomas Hines	Jack R. Reynolds	—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment by way of Committee Substitute, was passed, be reconsidered and that said motion be laid on the table.

Said last motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 144. AN ACT relating to public health.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Wayne Freeman	Homer E. Losey
Bernard J. Bonn	Julian Golden	James R. Mansfield
Eugene H. Clark	Doug Hays	Earl F. Martin
Augustus Cornett	W. Thomas Hines	C. W. A. McCann
Louis Cox	Stanley Hoffman	Strother Melton
Archie Craft	Dr. J. E. Johnson	Richard P. Moloney
Martin J. Duffy	Bert Kiser	O. W. Montgomery
Ernest M. Ford	James Lassiter	Jack R. Reynolds

Freeman Robinson	Cortis K. Stacy	Sylvester Wagner
William J. Sample	Paul Stapleton	Ed P. Warinner
Clay Shackleford	Otis C. Thomas	John M. Williams
Leon Shaikun	Wendell Van Hoose	E. V. Withers

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Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day bills and a resolution entitled, viz:

H. B. No. 145. AN ACT relating to unemployment insurance and amending KRS 341.030, (5), (6), and (7); KRS 341.090; (3); KRS 341.145; KRS 341.200; KRS 341.230; KRS 341.260, KRS 341.270; KRS 341.300; KRS 341.310; KRS 341.370 (4) and (5); KRS 341.380; KRS 341.390; KRS 341.420; (3); KRS 341.540; and KRS 341.990 (5).

H. B. No. 271. AN ACT relating to the taxation of special fuels.

H. B. No. 169. AN ACT conecrning annexation of territory to cities of the third class.

S. Res. No. 12. A RESOLUTION concerning Fair Trade Laws.

H. B. No. 132. AN ACT relating to survival of actions, amending section 411.140 of the Kentucky Revised Statutes.

H. B. No. 139. AN ACT concerning stockyards.

S. B. No. 209. AN ACT relating to and regulating advertising signs or devices on or adjacent to public highways, and providing penalties.

H. B. No. 14. AN ACT relating to elections, both regular and primary, with particular relation to the hours the polls are to be open, and the hour the board of election commissioners shall meet for the purpose of counting the ballots.

Senator Moloney moved that consideration of said bills be

deferred and that same be allowed to retain their places in the Orders of the Day.

Said motion was agreed to.

Senator Warinner requested that the Journal show that if he had been present on February 29 he would have voted aye on House Bill 400.

Ordered that Senator Warinner's statement be shown in the Journal.

The Senate took up for consideration from the Orders of the Day bills of the following titles, viz:

S. B. No. 176. AN ACT providing mileage for sheriffs in the various counties of the Commonwealth of Kentucky for the mileage traveled in the service of notices, subpoenas, and summons. (With Committee amendment)

S. B. No. 177. AN ACT relating to the fees of sheriffs.

S. B. No. 178. AN ACT relating to the allowance to sheriffs for patrol duties and inspection of dance halls, road houses and other places.

S. B. No. 187. AN ACT relating to the establishment and maintenance of high schools in cities with a population of 200,000 or more.

S. B. No. 195. AN ACT relating to planning and zoning in cities of the third, fourth, fifth and sixth classes.

S. B. No. 207. AN ACT relating to Partnerships.

S. B. No. 215. AN ACT relating to the construction of bridges by adjoining states over boundary line streams between this state and another and the reciprocal exemption thereof from taxes.

S. B. No. 233. AN ACT relating to the letting of work by the Commissioners of Water Districts, amending Kentucky Revised Statutes 74.260.

S. B. No. 234. AN ACT relating to property escheated to the state,

S. B. No. 235. AN ACT relating to the licensing of paint sprayers.

S. B. No. 239. AN ACT relating to powers of corporations: Amending Section 271.125 of the Kentucky Revised Statutes.

H. B. No. 137. AN ACT relating to the practice of medicine and osteopathy.

H. B. No. 154. AN ACT relating to service and sale of natural gas to owners of property where gas wells or gas pipe lines are located. (With Committee Amendment)

H. B. No. 196. AN ACT relating to public printing, amending Sections 57.045, 57.060, 57.090, 57.180 and 57.250 and repealing Sections 57.080 and 57.260 of the Kentucky Revised Statutes.

H. B. No. 275. AN ACT relating to the excise tax on gasoline.

H. B. No. 280. AN ACT relating to the use of professional titles.

S. RES. No. 23. RESOLUTION authorizing the payment to V.T.C. Lines, Inc., of three hundred and forty ($340.00) dollars, being the amount due said Company for having transported members of the Kentucky National Guard during an emergency.

S. B. No. 135. AN ACT to prevent trespassing upon posted railroad property.

Senator Moloney moved that consideration of said bills and resolutions be deferred and that same be allowed to retain their places in the Orders of the Day.

Said motion was agreed to.

Senator Moloney moved that the Senate do now adjourn until 1 P.M., Tuesday, March 4, 1952.

Said motion was agreed to.

And then the Senate adjourned.

TUESDAY, MARCH 4, 1952

The Senate convened and was called to order by the President of the Senate, Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend David Zaumeyer, Chaplain of the Department of State Police, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

Bernard J. Bonn	Stanley Hoffman	Freeman Robinson
Eugene H. Clark	Dr. J. E. Johnson	William J. Sample
Augustus Cornett	Alvin Kidwell	Clay Shackleford
Louis Cox	Bert Kiser	Leon Shaikun
Archie Craft	James Lassiter	Cortis K. Stacy
Martin J. Duffy	Homer E. Losey	Paul Stapleton
Ernest M. Ford	James R. Mansfield	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	Strother Melton	Sylvester Wagner
James P. Hanratty	Richard P. Moloney	Ed P. Warinner
Doug Hays	O. W. Montgomery	John M. Williams
W. Thomas Hines	Jack R. Reynolds	E. V. Withers

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The following Senators were absent—

H. Stanley Blake C. W. A. McCann —2

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings for Monday, March 3, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

H. B. No. 20. AN ACT relating to district detectives.

H. B. No. 150. AN ACT concerning the definition of "Filled Milk."

H. B. No. 158. AN ACT relating to mines and minerals.

H. B. No. 216. AN ACT relating to alleged mental incompetents.

H. B. No. 225. AN ACT relating to the State Fair Board, repealing Subsection (2) of Section 247.170 of the Kentucky Revised Statutes.

H. B. No. 262. AN ACT concerning the placing of fire hydrants in the public ways in cities of the first class; the letting of contracts therefor and the apportionment of the costs thereof.

H. B. No. 274. AN ACT relating to the office of Receiver of the circuit court in a county containing a population of 300,000 or over and providing for the payment of such officer's compensation in case the fees of the office are not sufficient to meet his salary.

H. B. No. 277. AN ACT relating to taxes on the production of crude petroleum, and particularly in respect of penalties relating thereto.

H. B. No. 282. AN ACT authorizing payment of traveling expenses of certain public officers and employees of counties containing cities of the first class.

H. B. No. 288. AN ACT amending Section 104.390 of the Kentucky Revised Statutes, relating to the State Flood Control and Water Usage Board.

H. B. No. 289. AN ACT amending Section 146.090 of the Kentucky Revised Statutes, relating to the Soil and Water Resources Commission.

H. B. No. 400. AN ACT relating to redistricting the Commonwealth of Kentucky into eight Congressional Districts, amending Section 120.060 of the Kentucky Revised Statutes.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the

Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Chief Clerk of the Senate deliver the original and enrolled copies of said bills to the Enrolling Clerk of the House.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

S. B. No. 41. AN ACT relating to the creation and establishment of public road districts in counties containing cities of the first class and in cities of the sixth class located in counties containing cities of the first class.

S. B. No. 70. AN ACT relating to motor transportation and motor vehicles.

S. B. No. 13. AN ACT concerning the practice of chiropody.

S. B. No. 153. AN ACT concerning civil defense.

S. B. No. 131. AN ACT to repeal, amend and re-enact Sections 278.130, 278.190, 278.290, 278.410, and 278.450, Kentucky Revised Statutes, which sections relate to the regulation of utilities, and declaring an emergency to exist.

S. B. No. 159. AN ACT relating to utilities owned by cities of the second to sixth classes.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Enrolling Clerk of the Senate deliver the original and enrolled copies of said bills to the House.

After a time the Enrolling Clerk delivered said original and

enrolled copies of said bills duly signed by the Speaker of the House.

Ordered that the Chief Clerk of the Senate deliver said bills to the Governor.

After a time, the Chief Clerk aforesaid reported that he had discharged that duty.

INTRODUCTION OF BILLS & RESOLUTIONS

Bills and resolutions of the following titles were introduced, viz:

By Senator Hanratty.

S. B. No. 250. AN ACT relating to insurance applications, amending KRS 304.654.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 304.654 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Any application for insurance in writing by the applicant shall be altered solely by the applicant or by his written consent, except that insertions may be made by the insurer for administrative purposes only in such manner as to indicate clearly that such insertions are not to be ascribed to the applicant.

(2) No person shall falsify or cause to be falsified, in any application for insurance, any answer to a question propounded to the applicant therein, or insert or cause to be inserted therein, except as provided in subsection (1) of this section, any statement to be made by such applicant other than the statement made by the applicant.

(3) An insurer issuing a policy upon an application which has been unlawfully altered or falsified by its officer, employee, or agent, or in which any answer to any question propounded to the applicant therein, other than the statement made by such applicant has been inserted or caused to be inserted by its officer, employee, or agent except as provided by subsection (1) of this

section, shall not have available in any action arising out of such policy, any defense based upon the fact of such alteration, falsification, or insertion, or as to any item so falsified, altered or inserted."

By Senator Moloney.

S. B. No. 251. AN ACT relating to persons convicted of a crime while serving sentences in the State Penal Institutions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 432.390 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Any person convicted of a crime who, while serving a sentence of imprisonment in the penitentiary, escapes from the penitentiary or wherever he may be confined, or flees from whatever bounds he may be assigned, whether under guard or as a trusty, shall be further confined to the penitentiary for not less than three nor more than six years, to commence after he has served out the sentence for which he was originally confined.

(2) Any convict confined in a locked cell, hospital or lock-up in the penitentiary who escapes therefrom to another part of the penitentiary, or aids another convict in doing so, shall be confined in the penitentiary for not less than one nor more than six years, to be added to the term of his former conviction.

(3) For any offense mentioned in subsection (1) or subsection (2) of this section, the circuit court of the county in which the convict was confined, or of the county from which he was sent out under assignment to work, shall have jurisdiction.

By Senator Duffy.

S. B. No. 252. AN ACT concerning merger of independent school districts with county school districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 160.041 of the Kentucky Revised Statutes is amended to read as follows:

(1) When a board of education of an independent school district, except an independent school district situated in a city of the first class, desires to have its district become a part of the county school district, it shall by motion so record its desire in the minutes of the board. The board, or its executive officer, shall convey this request to the county board of education. At its next regular meeting, or at a special meeting held prior thereto, the county board of education shall pass upon this request.

Section 2. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

(1) When a board of education of an independent school district situated within a city of the first class desires to have its district become a part of the county school district, it shall by motion so record its desire on the minutes of the board. The board, by its executive officer, shall convey this request in writing to the county board of education. At its next regular meeting, or at a special meeting held prior thereto, the county board of education shall pass upon this request.

(2) If the county board of education shall, by proper motion, as shown by the minutes of said board, agree generally that the merger of such independent school district with the county school district, would be advantageous and expedient the executive officer thereof, together with the executive officer of the independent school district, shall jointly certify in writing to the county clerk of the county wherein both school districts are located, of the intention of said school districts to merge, whereupon the county clerk at the next regular election at which county commissioners are elected, shall submit to all the qualified voters of the city the following question: "Are you in favor of merging the ———————— Independent School District with the ———————— County School District?". and shall submit to all the qualified voters of the county the following question: "Are you in favor of merging the County School District with the ———————— Independent School District?". If at such election, a majority of the voters of the County and a

majority of the voters of the City are in favor of the merger, the Boards of Education of said county and of such independent school district shall proceed within 2 years from the date of said election to effect the merger of said school districts.

(3) If, however, a majority of the voters of either the county or the city shall not be in favor of the proposed merger, as disclosed by the certified vote, neither board shall proceed toward effecting such a merger. Neither shall such question be presented again to the voters of said city and county for a period of 4 years from the date the question was originally placed before the voters.

Section 3. In the event of a merger the members of the boards of education of the merged districts shall serve out the terms for which they were elected. The resulting district shall take over all the assets and legal liabilities of both districts. Tax levies authorized for the payment of interest and retirement of bonds or to create sinking funds for such purpose shall be continued to be levied and collected over the same area by or for the new board in accordance with the laws under which the levies were originally made until all bonded obligations of the old districts have been retired, but such tax levies shall not exempt the taxpayers of such area from payment of tax levies levied for the support, maintenance and conduct of the resulting merged school district.

Section 4. The resulting merged school district shall, within 2 years from the date the merger is approved by the voters, divide its district into five divisions as nearly equal in population and containing integral voting precincts. At the regular November election during the first even number year nearest to the time of the merger of the districts, as above set out, two (2) members of the county board of education shall be elected from the county at large for a term of four (4) years, and two (2) years after such first election, three (3) members of the county board of education shall be elected for a term of four (4) years, and in each even numbered year thereafter an election shall be held from the county at large to fill the membership of the county board of education for the term that will expire on the first Monday in January following, and the regularly

elected members shall hold office for four (4) years, and until their successors are elected and qualified.

Section 5. Any vacancy occurring in the membership of the county board after members have been elected from the county at large, shall be filled as now provided by KRS 160.190.

Section 6. No member of the merged school district board shall receive any compensation whatsoever for any service as a board member, unless the fiscal court of the county wherein said merged school district is located, and the legislative body of the city of the first class which has merged its school district with said county school district shall jointly agree by proper ordinance and order entered upon the minutes of said fiscal court that the members of such merged school district shall be compensated and the amount thereof which compensation, if set, shall not be changed during the term of any school board member.

By Senator Warinner.

S. B. No. 253. AN ACT relating to suspension or denial of motor vehicle operators' licenses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 186.570 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department or its agent designated in writing for that purpose may deny any person a license or may immediately suspend the license of any person, or, in the case of a nonresident, withdraw the privilege of operating a motor vehicle in this state, with or without hearing, and with or without receiving a record of conviction of that person of a crime, whenever the department has reason to believe that:

(b) That person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury or serious property damage.

(c) That person is afflicted with mental or physical infirmities rendering it unsafe for him to drive upon the highways.

(e) That person has been issued a license without making proper application for it, as provided in KRS 186.460 and regulations properly issued pursuant to it.

(f) A person required by KRS 186.480 to take an examination has been issued a license without first having passed the examination.

(g) That person has been convicted of assault and battery resulting from the operation of a motor vehicle.

By Senator Warinner.

S. B. No. 254. AN ACT relating to public assistance.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 205.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) The amount of public assistance to be granted shall be determined with due regard to the needs and resources of the individual and family as prescribed by regulations, provided, they shall be granted a fifty percent increase over and above what they are now receiving to enable them to help meet the increase in the cost of living, and be it further provided that if available funds during a budgetary period are insufficient to meet the full needs of the recipients in all or any of the categories of public assistance, the funds available shall be reasonably prorated to recipients in such categories according to pending and anticipated applications during such budgetary period, and until such time as additional funds are made available to pay these public assistance grants.

By Senator Lassiter.

S. Res. No. 32. A JOINT RESOLUTION authorizing the Fiscal Court of Calloway County to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Fiscal Court of Calloway County, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in the Calloway Circuit Court, for property damage to a county highway bridge caused by alleged negligence on the part of an employe of the Department of Highways while acting within the scope of his employment.

Said suit shall be for a sum not in excess of $22,000.00.

The Attorney General may investigate the claim herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Senator Cox.

S. Res. No. 33. RESOLUTION directing the Governor to proclaim the week including November 19, 1952, "George Rogers Clark Bicentenniail Memorial Week" in honor of General Clark on the two-hundredth anniversary of his birth; and authorizing the appointment of a committee to plan and execute a program to memorialize General Clark on that occasion.

Said resolution is as follows, viz:

RESOLUTION Directing the Governor to Proclaim the week including November 19, 1952, "George Rogers Clark Bicentennial Memorial Week" in honor of General Clark on the two-hundredth anniversary of his birth; and authorizing the ap-

pointment of a committee to plan and execute a program to memorialize General Clark on that occasion.

WHEREAS General George Rogers Clark was one of Kentucky's great pioneers; and

WHEREAS General Clark performed heroic services to Kentucky and the cause of freedom in the struggle of the American colonies for independence; and

WHEREAS his expendition to the Illinois country against the British, starting from the Falls of the Ohio on June 24, 1778, saved Kentucky as a stronghold for Western expansion, and resulted in the conquest of what became the Northwest territory, from which five states of the Union were formed; and

WHEREAS General Clark was born November 19, 1752, and 1952 is the two-hundreth anniversary of his birth, and

WHEREAS it is particularly fitting this year that Kentucky pay honor and tribute to the memory of this patriot;

NOW THEREFORE BE IT RESOLVED by the General Assembly of the Commonwealth of Kentucky that:

1. The week which included November 19, 1952, be and is hereby designated as George Rogers Clark Bicentennial Memorial Week.

2. A committee be appointed by the Governor to plan and execute a program during said week honoring and memorializing General Clark at such place or places and in such manner as shall be determined by the committee, said committee to be known as the Kentucky George Rogers Clark Bicentennial Memorial Committee.

3. The Governor of the Commonwealth of Kentucky be and he is hereby requested to issue, at such time as he shall determine, a Proclamation declaring the week including November 19, 1952, to be George Rogers Clark Bicentennial Memorial Week, and calling upon citizens and organizations to join and cooperate with the Kentucky George Rogers Clark Bicentennial Memorial Committee to plan and execute a program to honor the memory of General Clark.

AND BE IT FURTHER RESOLVED by the General Assembly of the Commonwealth of Kentucky that:

It is recommended for the consideration of some future session of the General Assembly that a monument in memory of General George Rogers Clark be erected in the rotunda of the new State Capitol building now in process of completion.

AND BE IT FURTHER RESOLVED by the General Assembly of the Commonwealth of Kentucky that:

Copies of this Resolution be sent by the Governor to the President, Vice President, and Speaker of the House of Representatives, and Kentucky Senators and Representatives of the United States of America, with the request and to the end that the Federal Government and the Congress take appropriate action to honor and memorialize General George Rogers Clark on the occasion of the bicentennial anniversary of his birth, in recognition of his valiant services to the Nation in its formative stages, in its struggle for independence.

Ordered that said bills and resolutions be printed and referred.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills which originated in that body of the following titles, viz:

H. B. No. 141. AN ACT relating to adoptions and the welfare of children and amending Sections 199.370, 199.510, 199.520, 199.570, 199.600, 199.640, 200.110 of Kentucky Revised Statutes and repealing Section 199.530 of Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1

Section 199.370 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

199.370 **Relatives excepted from regulations regarding importation.**

The provisions of KRS 199.350 shall not apply to a relative going to any other state and bringing a child into this state for the purpose of giving it a home in his own family and may be waived by the Department for any child brought into the state under the supervision of the Division of Child Welfare or a licensed child-caring or child-placing institution or agency by written agreement with the responsible state agency of the other state.

Section 2

Section 199.510 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

199.510 **Investigation and report.**

(1) Upon filing a petition for the adoption of a minor child the clerk of the court shall forward two copies of the petition to the Department. The Department, or any person, agency or institution designated by it or the court shall, to the extent of available facilities, investigate and report in writing to the court:

(a) Whether the contents of the petition required by KRS 199.490 are true;

(b) Whether the proposed adoptive parents are financially able and morally fit to have the care, custody and training of the child; and

(c) Whether the adoption is to the best interest of the child and the child is suitable for adoption.

(2) The report of the Department or the designated person, agency or institution shall be filed with the court as soon as practicable but not later than ninety days after the filing date of the petition unless for good cause the court by written order extends the period of time for filing the report. If the Department or the designated person, agency or institution is unable to make the report, it shall within ten (10) days of receipt of the petition notify the court of its inability to conduct the investiga-

tion, and the court may designate some other person, agency or institution to make the necessary investigation. If the court designates some other person, agency or institution, the clerk shall forward one copy of the petition to such person, agency or institution and shall notify the Department of such other designation at the time he forwards the petition to the Department.

(3) If the Department is a party defendant, its report, if it files no other pleadings, shall be considered its answer to the petition.

(4) The clerk's fee shall be taxed as a cost of the action.

Section 3 **Hearing; notice**

After the report of the guardian ad litem, if any, for the child and the report required by section 2 of this Act have been filed, the court at any time on motion of its own or that of any interested party may set a time for a hearing on the petition to be conducted in chambers in privacy, except as hereinafter provided. Notice of the hearing shall be given to all necessary parties at least ten days in advance thereof, unless such parties shall have answered and agreed to the adoption or have failed to answer and the time for answering has expired, or shall have waived notice of the hearing.

All necessary parties may be present and at least one of the adopting parents and the guardian ad litem, if any, for the child must be present at the hearing.

Section 4

Section 199.520 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

199.520 **Judgment; prerequisites; order; name and legal status of child.**

(1) After hearing the case the court shall enter a Judgment of Adoption, if it finds that the facts stated in the petition were established; that all legal requirements, including jurisdiction, relating to the adoption have been complied with; that the petitioners are of good moral character, of reputable standing in the community and of ability to properly maintain and educate

the child, and that the best interest of the child will be promoted by the adoption and that the child is suitable for adoption.

In the judgment the name of the child shall be changed to conform with the prayer of the petition. The judgment and all orders required to be entered and recorded in the order book, including the caption, shall contain only the names of the petitioners and the proposed adopted name of the child, without any reference whatsoever to its former name or the names of its birth parents.

(2) From and after the date of the judgment the child shall be deemed the child of petitioners and shall be considered, for purposes of inheritance and succession and for all other legal considerations, the natural, legitimate child of the parents adopting it the same as if born of their bodies.

Except where a natural parent is the spouse of an adoptive parent an adopted child from the time of adoption shall have no legal relationship to its birth parents in respect to either personal or property rights.

(3) The clerk of the court shall notify the Department of any action of the court with respect to entering a judgment granting an adoption, the amendment of an adoption, or the denial or dismissal of a petition for adoption.

Section 5

Section 199.530 of the Kentucky Revised Statutes is hereby repealed.

Section 6

Section 199.570 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

199.570 **Adoption records confidential; new birth certificate.**

(1) The files and records of the court during adoption proceedings shall not be open to inspection by persons other than parties to such proceedings, their attorneys, and representatives of the Department, except under order of the court expressly permitting inspection. Upon the entry of the final order in the case,

the clerk shall place all papers and records in the case in a suitable envelope which shall be sealed and shall not be open for inspection by any person except on written order of the court. No person having charge of any adoption records shall disclose the names of any parties appearing in such records or furnish any copy of any such records, except upon order of the court which entered the judgment of adoption. The clerk of the circuit court shall set up a separate docket and order book for adoption cases and these files and records shall be kept locked.

(2) After entry of the adoption judgment, the clerk of the circuit court shall promptly report to the Division of Vital Statistics of Kentucky full information as called for on forms furnished by the Division of Vital Statistics, necessary to make a new birth certificate conforming to the standard birth certificate form. Upon receipt of this information, the Division of Vital Statistics shall cause to be made a new record of the birth and it shall be filed with the original certificate, and the original certificate shall be stamped with the words, "CONFIDENTIAL—subject to copy or inspection only on written order of court."

(3) The new certificate shall set forth the new name, if any, of the adopted child, the names of the adoptive parents and such other information deemed necessary in accordance with rules and regulations promulgated by the Division of Vital Statistics in the issuing of birth certificates. The birth certificate shall not contain any information revealing the child is adopted and shall show the adoptive parent or parents as the natural parent or parents of the child. If no birth certificate is on file for a child born in Kentucky, the Division of Vital Statistics shall prepare a certificate of birth in accordance with the regular procedure for recording a delayed birth certificate. The Division of Vital Statistics shall furnish to the clerks of the circuit courts the necessary forms to carry out the provisions of this section.

(4) Thereafter when any copy of the certificate of birth of any child is issued it shall be a copy of the new certificate of birth, except when an order of the court granting the judgment of adoption shall request the issuance of the copy of the original certificate of such child's birth.

(5) If any judgment of adoption is reversed, modified or vacated in any particular, the clerk of the circuit court shall notify the Department and the Division of Vital Statistics of such reversal or modification and the effect of same, and thereupon such division shall make such changes, if any, in its records as may be necessary by such reversal or modification.

Section 7

Section 199.600 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

199.600 **Involuntary termination of parental rights.**

(1) In a proceeding involving a neglected or abandoned child, as defined in KRS 199.011, the circuit court may terminate all parental rights of the parents of such child, and declare the child to be a ward of the state, if it is pleaded and proved in a private hearing that the parents have abandoned or deserted the child, or have substantially and continuously or repeatedly refused, or being able have neglected, to give the child parental care and protection, or that the child is neglected and that the parents have been adjudged mentally incompetent and such judgment of incompetency has been in effect for not less than one year.

The court may vest the care, custody and control of the child in any licensed child-caring or child-placing institution that has facilities available and is willing to accept the child or notify the county court of the county of the residence of the child, of the state's wardship of the child and the county court shall dispose of such child as is provided by law. The Department may accept such child from the county court for temporary care, custody and control for a period of time to be agreed upon in writing between the Department and the county judge, but in no event shall such period of time exceed twelve months.

(2) If the circumstances described in subsection (1) of this section exist with respect to only one of the two legitimate parents, the parental rights of that parent may be terminated, in which case the child shall not be declared to be a ward of the state, unless with the voluntary consent of the other parent.

(3) In an action to terminate parental rights under this section the parents, if the child is legitimate, or the mother if the the child is born out of wedlock, must be personally summoned; or where personal service cannot be made, must be contructively summoned as provided in the Civil Code of Practice.

(4) The court may be convened at any time wherever the judge thereof may be found within his district, irrespective of the regular term, for the purpose of terminating parental rights under this section, and shall complete the same as soon as possible.

(5) Proceedings under this section may be instituted upon petition by the Department, any probation officer, any state or local law enforcement officer, any county or commonwealth's attorney or a natural parent.

Section 8

Section 199.640 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

199.640 **Licensing of child-caring and child-placing institutions or agencies; regulations.**

(1) No individual, association, corporation or other organization shall conduct, operate or maintain any child-caring or child-placing institution or agency without having a license to do so issued by the Department. Provided, that any established child-caring or child-placing institution or agency that has been operated, conducted or maintained for more than five years by any National or State recognized religious or fraternal organization may be granted a license, both for custodial care and placement of children, notwithstanding any provision of this Act.

(2) Application for license shall be filed with the Department and licenses issued the agency or institution shall specify the type of service the licensee is authorized to perform and shall be valid until revoked by the Department. Each licensed agency or institution shall be visited and inspected by a person authorized by the Department at least once each year and a complete report of such visit or inspection be filed with the Department. Each child-caring and child-placing institution or agency shall make

provisions for and comply with reasonable standards established by the Department for fire protection and safety, plumbing and sanitation, lighting, heating and ventilation, living arrangements, diet and health facilities, and such other factors as may be necessary to promote the welfare and health of children cared for or placed by such agencies or institutions.

Any person, or the officers of any association, corporation or other organization conducting, operating or maintaining a child-caring or a child-placing institution shall be of good moral character and of reputable standing in the community.

(3) Each agency or institution licensed under this Act shall keep a record containing:

(a) The names, ages, present and former residences of all children received;

(b) The names, residence and occupation so far as is known, of the parents;

(c) The dates of the reception, placing out for adoption or foster care, together with the names, occupation and residence of the persons with whom the child is placed;

(d) The date and cause of termination of its custody of each child; and

(e) A brief history of each child until he shall have reached the age of eighteen (18) years or shall have been adopted or discharged according to the law.

(4) All records regarding children or facts learned about children and their parents and relatives by any licensed agency or institution shall be deemed confidential in the same manner and subject to the same provisions as similar records of the Department. The information thus obtained shall not be published or be open for public inspection except to authorized employees of the Department or of such licensed agency or institution in the performance of their duties. Such institutions shall file with the Department such reports as may be required by the Department for the proper administration of the Act.

(5) If the Department is unable to make an inspection

within fifteen (15) days after application is filed, the Commissioner may, on request of the applicant, issue a provisional license which shall be valid until an inspection is made and a permanent license is issued. If a permanent license is denied, the provisional license shall be valid while any appeal is pending, or until the time for appeal for a hearing before the Commissioner has expired.

Section 9

Section 200.110 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

200.110 **Commitment; treatment; payment of cost.**

(1) Any person having charge of a dependent, neglected, delinquent or defective child, or any person interested in such child, may call to the attention of the county judge of the county in which the child resides, its neglect, delinquency or physical or mental infirmity, and the county judge may commit such child to the care and custody of the Department for temporary care, treatment or control for a period of time to be agreed upon in writing between the Department and the county judge, but in no event shall the period of time exceed twelve months. But the judge shall not commit a child without the consent of the person having it in charge.

(2) No child shall be committed to the custody of the Department for treatment or care where the person having it in charge, if related to the child, is able to pay for the care or treatment of the child. Where the person having charge of the child can only pay a portion of the cost of the treatment or care, the child may be committed by the county judge, and the person having charge of the child shall pay such sums as he is able to pay, and the funds thus received shall be turned over to the Department and shall be applied to the treatment and care of the child.

(3) The Department may pay for board, suitable clothing and other necessities for any child committed to its care and custody, but only if no similar services are rendered by any other existing agency.

Section 10 **Care and consent obtained before June 15, 1950.**

If the care, custody or control of any child was transferred with consent to adoption from the parent before June 15, 1950 and such transfer and consent under laws in effect at that time made it unnecessary to name the parents party defendants then in any adoption proceeding instituted since June 15, 1950 it shall not be necessary to name said parents party defendants. Any adoption obtained in reliance upon such transfer and consent shall be valid.

Section 11

In any adoption proceeding in which the child has been previously adopted by other persons, the previous adoptive parent or parents shall be considered the natural parent or parents of such child for the purpose of such proceedings and wherever the term "natural parent" is used in KRS 199.470 to 199.630 and this Act it shall be deemed to mean the previous adoptive parents.

H. B. No. 142. AN ACT relating to Descent and Distribution and Amending Section 391.080 of Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 391.080 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

391.080 **Adopted child; inheritance by and from.**

(1) An adopted child shall inherit from and through his adoptive parent in the same manner as if he were the natural, legitimate child of the adoptive parent.

(2) The property of an adopted child shall descend and be distributed under the general laws of descent and distribution in the same manner as if he were the natural, legitimate child of the adoptive parent.

(3) An adopted child shall not inherit from his natural

parents unless the natural birth parent is the spouse of the adoptive parent.

H. B. No. 247. AN ACT relating to officers who shall not practice law.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 30.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Governor, the Lieutenant Governor when serving as Governor, a judge of the Court of Appeals or circuit judge, shall not practice law.

(2) The clerk or deputy clerk of a court shall not practice law in the court of which he is clerk or deputy clerk.

H. B. No. 306. AN ACT concerning distribution of personal property of persons who die intestate.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 391.030 of the Kentucky Revised Statutes is amended to read as follows:

(2) The appraisers shall state in their appraisement the money or the articles and values of each, set apart by them to the widow or infants, separately from the articles appraised for sale. If the widow or anyone authorized by her in writing is present at the time of the appraisement, she may make her selection out of the property appraised to the amount of $1500 and the appraisers shall so report.

H. B. No. 312. AN ACT relating to traffic regulations and equipment of vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.

(1) The Commissioner of Highways may restrict or regulate traffic and may install and maintain traffic control devices upon State-maintained highways in such manner as is reasonably necessary to promote the safety and convenience of the traveling public; provided, however, that this Section shall in no way affect the provisions of Section 177.046 of the Kentucky Revised Statutes.

(2) The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto unless otherwise directed by traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

(3) Any person who violates Sub-section 2 of this Section shall be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00) for each offense.

Section 2. Section 189.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) Vehicles overtaking other vehicles proceeding in the same direction shall pass to the left of them and shall not again drive to the right until reasonably clear of those vehicles. The person operating or in charge of the overtaking vehicle shall sound his horn or other sound device before passing. Vehicles overtaking street cars may pass either to the right or left when so directed by a police officer, when on a one-way street or where the location of the tracks prevents compliance with this Section, with regard for other traffic.

(2) The operator of a vehicle may overtake and pass upon the right of another vehicle which is making or is about to make a left turn. The operator of a vehicle may overtake, and, allowing sufficient clearance, pass another vehicle proceeding in the same direction upon the left or upon the right on

a roadway with unobstructed pavement or sufficient width for four or more lines of traffic when the movement can be made in safety. No person shall drive off the pavement or upon the shoulder of the roadway in overtaking or passing on the right.

(3) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred feet of any vehicle approaching from the opposite direction.

(4) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(a) When approaching the crest of a grade or a curve in the highway where the driver's view along the highway is obstructed.

(b) When approaching within one hundred feet of any bridge, viaduct or tunnel, or when coming within one hundred feet of or traversing any intersection or railroad grade crossing.

The provisions of this Sub-section shall not apply upon a one-way roadway.

(5) The Commissioner of Highways is hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the

roadway indicate the beginning and end of such zones, and when such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

(6) Whenever any roadway has been divided into three or more clearly marked lanes for traffic the following additional rules shall apply:

(a) A vehicle shall be driven as nearly as may be practical entirely within a single lane and shall not be moved from that lane until the driver has first ascertained that the movement can be made with safety.

(b) A vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where a center lane is at the time allocated exclusively to traffic moving in the direction in which the vehicle is proceeding and is signposted to give notice of the allocation.

(c) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and operators of vehicles shall obey the directions of such signs.

(7) (a) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having regard for the speed of the vehicle and the traffic upon and condition of the highway.

(b) The operator of any motor truck, semi-trailer truck, bus or heavy construction equipment unit when traveling upon a highway outside of a business or residential district shall

not follow within 250 feet of another such vehicle or equipment unit. This Sub-section shall not prevent overtaking and passing, nor shall it apply to any lane specially designated for use of motor trucks or semi-trailer trucks, busses or heavy construction equipment units.

Section 3. Section 189.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall stop a vehicle, leave it standing, or cause or permit it to stop or to be left standing upon the main traveled portion of a highway; provided, however, that this Section shall not be construed to prohibit parking off the main traveled portion of a highway or street in a city or suburban area where such parking is otherwise permitted. This Sub-Section shall not apply to a vehicle that has been disabled while on the main traveled portion of such a highway in such a manner and to such extent that it is impossible to avoid the occupation of the main traveled portion or impracticable to remove it from the highway until repairs have been made or sufficient help obtained for its removal and shall not apply to wreckers at the scene of accidents or emergency vehicles.

(2) Whenever any police officer finds a vehicle standing upon such a highway in violation of this Section, he may move the vehicle, or require the operator or other person in charge of the vehicle to move it, to a position off the paved or improved or main traveled part of the highway.

(3) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in a tunnel where the vehicle constitutes an obstruction to traffic, the officer may provide for the removal of the vehicle to the nearest garage or other place of safety.

(4) No person shall stop or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in the following places:

(a) On a sidewalk;

(b) In front of a public or private driveway;

(c) Within an intersection;

(d) At any place where official signs prohibit stopping; or

(e) Within thirty feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.

(5) No person shall move a vehicle not lawfully under his control into any such prohibited area.

H. B. No. 355. AN ACT relating to circuit court districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (35) of Section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(35) Pike County, at Pikeville, continuous session.

Section 2. Whereas, the exigencies of practice in the said Pike County Circuit Court make necessary the immediate establishment of said court as a court of continous session;

An emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

Ordered that said bills be printed and referred.

A message which was received from the House of Representatives further announced that they had passed a bill which originated in the Senate of the following title, viz:

S. B. No. 189. AN ACT concerning school building funds.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

The Senate then took up for consideration from the Orders of the Day a bill entitled as follows, viz:

S. B. No. 235. AN ACT relating to the licensing of paint sprayers.

Senator Losey moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a resolution and a bill of the following titles, viz:

S. RES. No. 12. A RESOLUTION concerning Fair Trade Laws.

S. B. No. 209. AN ACT relating to and regulating advertising signs or devices on or adjacent to public highways and providing penalties.

Senator Moloney moved that consideration of said resolution and said bill be deferred and that same be allowed to retain their places in the Orders of the Day.

Said motion was agreed to.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day a bill, with amendment, of the following title, viz:

S. B. No. 195. AN ACT relating to planning and zoning in cities of the third, fourth, fifth and sixth classes.

Said amendment, which was adopted by the Senate on February 28, 1952, is as follows, viz:

By adding a new section to follow after Line 37, on Page 4, of the printed bill, which shall read as follows:

Section 5. "The provisions of this act shall not apply to

the Capital Planning and Zoning Commission created under KRS 147.190 to KRS 147.250, both inclusive."

Senator Hoffman moved the Previous Question, on S. B. No. 195, as amended.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, as amended, be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill, as amended, be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill, as amended, having been dispensed with, said bill, as amended, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, as amended, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Dr. J. E. Johnson	Leon Shaikun	
Eugene H. Clark	Homer E. Losey	Paul Stapleton	
Augustus Cornett	James R. Mansfield	Wendell Van Hoose	
Archie Craft	Earl F. Martin	Sylvester Wagner	
Martin J. Duffy	Strother Melton	Ed P. Warinner	
Ernest M. Ford	Richard P. Moloney	John M. Williams	
Julian Golden	O. W. Montgomery	E. V. Withers	
W. Thomas Hines	Jack R. Reynolds		
Stanley Hoffman	Freeman Robinson		—25

Those who voted in the negative were—

Alvin Kidwell	Cortis K. Stacy	
Bert Kiser	Otis C. Thomas	—4

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, as amended, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 187. AN ACT relating to the establishment and maintenance of high schools in cities with a population of 200,000 or more.

Senator Shaikun moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	James P. Hanratty	Alvin Kidwell
Eugene H. Clark	Doug Hays	James Lassiter
Augustus Cornett	W. Thomas Hines	James R. Mansfield
Martin J. Duffy	Stanley Hoffman	Richard P. Moloney
Julian Golden	Dr. J. E. Johnson	Paul Stapleton

Wendell Van Hoose John M. Williams E. V. Withers
Sylvester Wagner —19

Those who voted in the negative were—

Earl F. Martin Freeman Robinson Leon Shaikun
—3

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 135. AN ACT to prevent trespassing upon posted railroad property.

Senator Reynolds offered the following amendment, viz:

Amendment No. 1 To Senate Bill No. 135

Section 1, page 2,

By striking out lines 2 and 3 in their entirety and placing in lieu thereof the following:

of a railroad yard, place of storage, shop or other railroad structure without the consent of an

Senator Reynolds moved the adoption of said amendment.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Reynolds offered the following amendment, viz:

Amendment No. 2 To Senate Bill No. 135

On page 2, Section 2, Line 4,

by striking line 4 in its entirety and substituting in lieu thereof the following:

"on any railroad property during a labor dispute or at any other time, or to public or private roads,"

Senator Reynolds moved the adoption of said amendment.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Reynolds moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendments, be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill, as amended, be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill, as amended, having been dispensed with, said bill, as amended, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, as amended, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	Homer E. Losey	Cortis K. Stacy
Archie Craft	James R. Mansfield	Paul Stapleton
Ernest M. Ford	Earl F. Martin	Wendell Van Hoose
Julian Golden	Strother Melton	Sylvester Wagner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
W. Thomas Hines	Jack R. Reynolds	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, as amended, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE

Senator Kidwell, Chairman of the Committee on Appropriations, to which same had been assigned previously, reported a bill of the following title, viz:

H. B. No. 39. AN ACT relating to public library service and making an appropriation therefor.

With the expression of opinion that same should pass with amendment by way of Committee Substitute, as follows, viz:

WHEREAS less than one-half of the total population of Kentucky has access to local public library facilities; and

WHEREAS only twenty percent of the residents of rural areas have public library service; and

WHEREAS aid from the state is essential for the provision of adequate local public library service throughout the state;

NOW THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. For promoting, aiding and equalizing public library service in Kentucky, particularly in rural areas, there is hereby appropriated out of the General Expenditure Fund of the State Treasury, to a special fund to be known as the Public Library Service Fund, the sum of $50,000 for the fiscal year 1952-53, and $60,000 for the fiscal year 1953-54.

2. The Director of the Library Extension Division of the Department of Library and Archives, the Commissioner of Finance and the Attorney General shall constitute a Public Library Service Commission for the purpose of administering the provisions of this Act. The commission shall elect a chairman and a secretary from among its members. It shall promulgate rules and regulations for the

administration of this Act and for the allocation of funds appropriated for the purposes of this Act. In allocating funds to counties, the commission shall give primary consideration to the need for additional library service in each county.

3. Any funds appropriated for the purposes of this Act shall be expended for aiding in the establishment, extension and development of local public library facilities (exclusive of library buildings, equipment and furniture) through the purchase of books or bookmobiles, through technical assistance, educational and promotional programs, and such other methods and services as will best accomplish the purpose. Funds in the Public Library Service Fund shall be paid out by the State Treasurer on warrants drawn by the Commissioner of Finance on order of the Chairman of the Public Library Service Commission.

4. To the extent of funds available, grants shall be made to counties applying for state aid, in the order in which they meet the requirements established by the Public Library Service Commission. Grants-in-aid thus provided shall not exceed $5,000 to any county. Each county receiving a state grant shall expend from local funds, for county-wide public library service during the years for which aid is received a sum equal to at least 5% of the amount received from state funds; the ratio of matching to be based on local financial ability as determined by the assessed valuation of the county.

5. The fund appropriated under this Act shall be separate and apart from the appropriation to the Library Extension Division, which appropriation shall not be affected by this Act or appropriation hereunder.

6. It is the intention of this Act to add to the public library service given by local communities and not to relieve such communities of their responsibilities.

Thereupon, said bill, with amendment by way of Committee Substitute, was read at length for the first time and

Ordered placed in the Calendar.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day bills entitled, viz:

S. B. No. 176. AN ACT providing mileage for sheriffs in the various counties of the Commonwealth of Kentucky for the mileage traveled in the service of notices, subpoenas, and summons.

S. B. No. 177. AN ACT relating to the fees of sheriffs.

S. B. No. 178. AN ACT relating to the allowance to sheriffs for patrol duties and inspection of dance halls, road houses and other places.

Senator Moloney moved that consideration of said bills be deferred and that same be allowed to retain their place in the Orders of the Day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. RES. No. 23. RESOLUTION authorizing the payment to V.T.C. Lines, Inc., of three hundred and forty ($340.00) dollars, being the amount due said Company for having transported members of the Kentucky National Guard during an emergency.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said resolution be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third

reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Ernest M. Ford	James R. Mansfield	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	Strother Melton	Sylvester Wagner
James P. Hanratty	Richard P. Moloney	Ed P. Warinner
W. Thomas Hines	Jack R. Reynolds	John M. Williams
Stanley Hoffman	Freeman Robinson	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 239. AN ACT relating to powers of corporations: Amending Section 271.125 of the Kentucky Revised Statutes.

Senator Cox moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as

to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Cortis K. Stacy
Louis Cox	Bert Kiser	Paul Stapleton
Archie Craft	James Lassiter	Otis C. Thomas
Ernest M. Ford	Homer E. Losey	Wendell Van Hoose
Wayne Freeman	James R. Mansfield	Sylvester Wagner
Julian Golden	Earl F. Martin	Ed P. Warinner
James P. Hanratty	Strother Melton	John M. Williams
W. Thomas Hines	Jack R. Reynolds	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 233. AN ACT relating to the letting of work by the Commissioners of Water Districts, amending Kentucky Revised Statutes 74.260.

Senator Sample moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Jack R. Reynolds
Bernard J. Bonn	W. Thomas Hines	Freeman Robinson
Eugene H. Clark	Stanley Hoffman	William J. Sample
Augustus Cornett	Dr. J. E. Johnson	Clay Shackleford
Louis Cox	Alvin Kidwell	Cortis K. Stacy
Archie Craft	Bert Kiser	Paul Stapleton
Martin J. Duffy	James Lassiter	Wendell Van Hoose
Ernest M. Ford	Homer E. Losey	Sylvester Wagner
Wayne Freeman	James R. Mansfield	John M. Williams
Julian Golden	Earl F. Martin	E. V. Withers
James P. Hanratty	Strother Melton	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 215. AN ACT relating to the construction of bridges by adjoining states over boundary line streams between

this state and another and the reciprocal exemption thereof from taxes.

Senator Kidwell moved the adoption of the following amendment, viz:

Page 2, Section 2, line 3, by striking out the word "effect" and inserting in lieu thereof, "affect"

Said motion was agreed to.

And thereupon said amendment was adopted.

Senator Kidwell moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment, be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill, with amendment, be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill, with amendment, having been dispensed with, said bill, with amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Archie Craft	James P. Hanratty
Bernard J. Bonn	Martin J. Duffy	Doug Hays
Eugene H. Clark	Ernest M. Ford	W. Thomas Hines
Augustus Cornett	Wayne Freeman	Stanley Hoffman
Louis Cox	Julian Golden	Dr. J. E. Johnson

Alvin Kidwell	O. W. Montgomery	Otis C. Thomas
Bert Kiser	Jack R. Reynolds	Wendell Van Hoose
James Lassiter	Freeman Robinson	Sylvester Wagner
Homer E. Losey	William J. Sample	Ed P. Warinner
James R. Mansfield	Clay Shackleford	John M. Williams
Earl F. Martin	Leon Shaikun	E. V. Withers
Strother Melton	Cortis K. Stacy	
Richard P. Moloney	Paul Stapleton	—37

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 234. AN ACT relating to property escheated to the state.

Senator Losey moved the Previous Question.

Whereupon the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Ernest M. Ford	James R. Mansfield	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	Strother Melton	Sylvester Wagner
James P. Hanratty	Richard P. Moloney	Ed P. Warinner
Doug Hays	O. W. Montgomery	John M. Williams
W. Thomas Hines	Jack R. Reynolds	
Stanley Hoffman	Freeman Robinson	—34

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day bills of the following titles, viz:

S. B. No. 207. AN ACT relating to Partnerships.

S. B. No. 186. AN ACT concerning fees of court commissioners and receivers.

Senator Moloney moved that consideration of said bills be deferred and that same be allowed to retain their places in the Orders of the Day.

Said motion was agreed to.

Senator Moloney moved that the Senate do now recess for 30 minutes.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President of the Senate resumed the chair and presided over the Senate.

REPORTS OF COMMITTEES.

Senator Hines, Chairman of the Committee on Classification of Towns and Cities, to which same had been referred previously, reported a bill of the following title, viz:

S. B. No. 240. AN ACT changing the classification of the City of Kuttawa, in Lyon County.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Senator Clark, Chairman of the Committee on Compensation for Industrial Injuries, to which same had been previously referred, reported bills of the following titles, viz:

S. B. No. 208. AN ACT relating to election or rejection of the Workmen's Compensation Act by employes, amending section 342.395 of the Kentucky Revised Statutes.

S. B. No. 238. AN ACT relating to Workmen's Compensation.

With the expression of opinion that same should pass.

Thereupon, said bills were each and severally read at length for the first time and

Ordered placed in the Calendar.

ORDERS OF THE DAY

The Senate took up for consideration from the Orders of the Day bills entitled, viz:

H. B. No. 145. AN ACT relating to unemployment insurance and amending KRS 341.030 (5), (6) and (7); KRS 341.090 (3); KRS 341.145; KRS 341.200; KRS 341.230; KRS 341.260; KRS 341.270; KRS 341.300; KRS 341.310; KRS 341.370 (4) and (5); KRS 341.380; 341.390; KRS 341.420 (3); KRS 341.540; and KRS 341.990 (5).

H. B. No. 271. AN ACT relating to the taxation of special fuels.

H. B. No. 169. AN ACT concerning annexation of territory to cities of the third class.

H. B. No. 132. AN ACT relating to survival of actions, amending section 411.140 of the Kentucky Revised Statutes.

H. B. No. 139. AN ACT concerning stockyards.

H. B. No. 275. AN ACT relating to the excise tax on gasoline.

Senator Moloney moved that consideration of said bills be deferred and that same be allowed to retain their place in the Orders of the Day.

Said motion was agreed to.

At this time the President of the Senate vacated the chair which was assumed by the President Pro Tem, Louis Cox, Senator.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 14. AN ACT relating to elections, both regular and primary, with particular relation to the hours the polls are to be open, and the hour the board of election commissioners shall meet for the purpose of counting the ballots.

Senator Stapleton moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Bert Kiser	Clay Shackleford
Eugene H. Clark	James Lassiter	Leon Shaikun
Archie Craft	Homer E. Losey	Cortis K. Stacy
Wayne Freeman	James R. Mansfield	Paul Stapleton
Julian Golden	Earl F. Martin	Wendell Van Hoose
James P. Hanratty	Strother Melton	Sylvester Wagner
Doug Hays	Jack R. Reynolds	Ed P. Warinner
W. Thomas Hines	Freeman Robinson	E. V. Withers
Dr. J. E. Johnson	William J. Sample	–26

Those who voted in the negative were—

H. Stanley Blake	Richard P. Moloney	Otis C. Thomas
Alvin Kidwell	O. W. Montgomery	John M. Williams

–6

Senator Hanratty moved the following amendment to the title, viz:

By adding to the title the following language:

"This Act shall be known as the Warinner-Hilton Act."

Said motion was agreed to.

Thereupon said amendment to title was adopted.

Senator Moloney moved that the vote by which said bill, with amendment to title, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 196. AN ACT relating to public printing, amending Sections 57.045, 57.060, 57.090, 57.180 and 57.250 and repealing Sections 57.080 and 57.260 of the Kentucky Revised Statutes.

Senator Moloney moved the adoption of the following amendment, viz:

Amendment to House Bill No. 196.

On page 1, section 1, line 8, by striking the period at the end of line 8 and substituting a comma therefor, and adding the following:

"except for educational publications based on research, the rates for which shall be computed on the basis of actual cost." and on page 3, section 5, by striking lines 3, 4, 5, 6, 7, and 8 and substituting therefor the following:

"All contractors under this chapter shall promptly execute all orders issued to them by the Department of Finance."

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment, be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill, with amendment, be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill, with amendment, having been dispensed with, said bill, with amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Jack R. Reynolds
Bernard J. Bonn	W. Thomas Hines	Freeman Robinson
Eugene H. Clark	Dr. J. E. Johnson	William J. Sample
Augustus Cornett	Alvin Kidwell	Clay Shackleford
Louis Cox	Bert Kiser	Cortis K. Stacy
Archie Craft	James Lassiter	Paul Stapleton
Martin J. Duffy	Homer E. Losey	Otis C. Thomas
Ernest M. Ford	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Earl F. Martin	Sylvester Wagner
Julian Golden	Strother Melton	Ed P. Warinner
James P. Hanratty	Richard P. Moloney	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 60. AN ACT relating to the licensing of motor vehicles.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	W. Thomas Hines	Jack R. Reynolds
Bernard J. Bonn	Stanley Hoffman	William J. Sample
Eugene H. Clark	Dr. J. E. Johnson	Clay Shackleford
Augustus Cornett	Alvin Kidwell	Cortis K. Stacy
Louis Cox	Bert Kiser	Paul Stapleton
Archie Craft	James Lassiter	Otis C. Thomas
Martin J. Duffy	Homer E. Losey	Wendell Van Hoose
Ernest M. Ford	James R. Mansfield	Sylvester Wagner
Julian Golden	Earl F. Martin	Ed P. Warinner
James P. Hanratty	Strother Melton	E. V. Withers
Doug Hays	O. W. Montgomery	–32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill, with committee amendment, of the following title, viz:

H. B. No. 154. AN ACT relating to service and sale of natural gas to owners of property where gas wells or gas pipe lines are located.

Senator Moloney moved the adoption of committee amendment as follows, viz:

Amend H. B. No. 154.

on page 1 section line 5

By striking therefrom the period after the word "commission" and substituting therefor a semicolon and the following: "Provided, that nothing contained herein shall be construed as

requiring any gas pipe line company to serve any such owner of property from lines established on the discharge side of any compressor station."

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with committee amendment, be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill, with committee amendment, be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to be a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill, with committee amendment, having been dispensed with, said bill, with committee amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with committee amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Julian Golden	Homer E. Losey
Bernard J. Bonn	James P. Hanratty	James R. Mansfield
Eugene H. Clark	Doug Havs	Earl F. Martin
Augustus Cornett	W. Thomas Hines	Strother Melton
Louis Cox	Stanley Hoffman	Richard P. Moloney
Archie Craft	Dr. J. F. Johnson	O. W. Montgomery
Martin J. Duffy	Alvin Kidwell	Jack R. Reynolds
Ernest M. Ford	Bert Kiser	William J. Sample
Wayne Freeman	James Lassiter	Clay Shackleford

Cortis K. Stacy	Sylvester Wagner	John M. Williams
Paul Stapleton	Ed P. Warinner	E. V. Withers
Wendell Van Hoose		—34

There voted in the negative—

Otis C. Thomas —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with committee amendment, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON COMMITTEES

Senator Moloney, Chairman of the Committee on Committees, reported the following Senators as members o fthe Rules Committee, viz:

RULES COMMITTEE

Emerson Beauchamp, Chairman

H. Stanley Blake	Strother Melton
Bernard J. Bonn	Richard P. Moloney
Louis Cox	Ollie W. Montgomery
Ernest M. Ford	Jack R. Reynolds
Doug Hays	Freeman L. Robinson
Stanley Hoffman	Clay Shackleford
Dr. J. E. Johnson	Leon Shaikun
Alvin Kidwell	Cortis K. Stacy
Bert Kiser	Paul Stapleton
Earl F. Martin	Otis C. Thomas
C. W. A. McCann	Sylvester Wagner

Senator Moloney moved that the Senate do now adjourn until 1 P.M., Wednesday, March 5, 1952.

Said motion was agreed to.

And then the Senate adjourned.

WEDNESDAY, MARCH 5, 1952

The Senate convened and was called to order by the President of the Senate, Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend Paul S. Stauffer, Pastor of the First Christian Church, of Frankfort, Kentucky.

The roll of the Senate was called aand the following Senators answered to their names, viz:

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Eugene H. Clark	Dr. J. E. Johnson	William J. Sample
Augustus Cornett	Alvin Kidwell	Clay Shackleford
Louis Cox	Bert Kiser	Leon Shaikun
Archie Craft	James Lassiter	Cortis K. Stacy
Martin J. Duffy	Homer E. Losey	Paul Stapleton
Ernest M. Ford	James R. Mansfield	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	Strother Melton	Sylvester Wagner
James P. Hanratty	Richard P. Moloney	Ed P. Warinner
Doug Hays	O. W. Montgomery	John M. Williams
W. Thomas Hines	Jack R. Reynolds	E. V. Withers

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The following Senators were absent—

Bernard J. Bonn	C. W. A. McCann	—2

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings for Tuesday, March 4, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Senator Robinson.

S. B. No. 255. AN ACT relating to places of entertainment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. If the county court, pursuant to the hearing provided for in KRS 231.080, finds that the applicant for a permit to operate a place of entertainment is of good moral character, at least twenty-one years of age and has never been convicted in Kentucky or any other state of a felony or of maintaining a public nuisance, it shall issue to the applicant the permit applied for.

Section 2. Section 231.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) From the judgment of the county court refusing to grant the permit, the applicant may appeal to the circuit court, where the appeal shall be tried as an action in equity, and the evidence shall be heard in open court.

(2) From the judgment of the county court granting a permit any citizen of the county may appeal to the circuit court and the appeal in the circuit court shall be tried as in the case of an appeal from a judgment denying the permit.

(3) Before any appeal is perfected, the party appealing shall file a copy of the judgment of the county court with the circuit clerk and shall execute a bond guaranteeing the payment of the cost of the appeal. The cost of the appeal shall be adjudged against the person losing the appeal.

(4) The county attorney shall resist any appeal filed by an applicant and shall represent any citizen who appeals from the judgment of the county court granting a permit.

(5) Any party aggrieved by a judgment of the circuit court may appeal to the Court of Appeals in the same manner that appeals are taken under Section 639a-5 of the Civil Code of Practice.

Section 3. Section 231.030 of the Kentucky Revised Statutes is repealed.

By Senator Stapleton.

S. B. No. 256. AN ACT relating to bridges and tunnels crossing state boundary streams.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 180.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the provisions of subsection (2), the department may, out of state highway funds, construct and maintain, either by itself or with any adjoining state, or any county or municipality of this or any adjoining state, or the United States Government, or any two or more of them, bridges across or tunnels under any boundary line stream of this state for the purpose of connecting any primary road of this state with a hard surface road or street in an adjoining state. In constructing bridges across or tunnels under any such boundary line stream, the department may locate the bridge or tunnel at any point it deems wise, but the bridge or tunnel shall not be located further than ten miles from the terminus of the primary road intended to be reached by the bridge or tunnel. The department may construct any road necessary to connect a bridge or tunnel with the primary road intended to be served thereby.

(2) The department is prohibiting from entering into or carrying out any contract, compact or other agreement with a foreign governmental unit for the purposes of subsection (1), unless such contract, compact or other agreement guarantees to all residents of Kentucky all benefits provided them by the laws of this Commonwealth relating to the purposes covered by the contract, compact or other agreement.

Ordered that said bills be printed and referred to the Committee on Rules.

REPORT OF COMMITTEE

Honorable Emerson Beauchamp, Chairman of the Committee on Rules, to which same had been assigned previously, re-

S. B. No. 251. AN ACT relating to persons convicted of a crime while serving sentences in the State Penal Institutions.

H. B. No. 141. AN ACT relating to adoptions and the welfare of children and amending Sections 199.370, 199.510, 199.520, 199.570, 199.600, 199.640, 200.110, of Kentucky Revised Statutes and repealing Section 199.530 of Kentucky Revised Statutes.

H. B. No. 143. AN ACT relating to the Department of Agriculture, Labor and Statistics.

H. B. No. 228. AN ACT relating to Workmen's Compensation.

H. B. No. 276. AN ACT relating to income taxation.

H. B. No. 279. AN ACT relating to the practice of Chiropody.

H. B. No. 368. AN ACT appropriating money out of the General Expenditure Fund for the fiscal year ending June 30, 1952, for expenses of sessions of the General Assembly, and declaring an emergency to exist.

H. B. No. 369. AN ACT relating to the Division of Publicity, amending KRS 146.060.

H. B. No. 284. AN ACT relating to Game and Fish.

H. B. No. 330. AN ACT relating to fees of County Judges.

H. B. No. 332. AN ACT relating to the fees of court commissioners and receivers.

H. B. No. 159. AN ACT relating to the offering and paying of rewards for the apprehension and conviction of persons guilty of stealing cattle or other domestic animals.

H. B. No. 312. AN ACT relating to traffic regulations and equipment of vehicles.

S. B. No. 148. AN ACT relating to providing school services in certain institutions.

S. B. No. 142. AN ACT relating to giving notice to the traveling public of the approach of trains to public highway

crossings; amending Section 277.170 of the Kentucky Revised Statutes.

H. B. No. 122. AN ACT relating to time of payment of Teachers' Retirement annuities.

S. B. No .241. AN ACT relating to Mechanics' and Materialmen's Liens.

S. B. No. 245. AN ACT providing for the establishment, construction, maintenance and operation of regional schools.

S. B. No. 244. AN ACT relating to the use of recording devices in circuit courts and authorizing their purchase.

H. B. No. 265. AN ACT to facilitate vehicular traffic in the Commonwealth of Kentucky by providing for the construction, maintenance, repair and operation of bridges; providing for the creation of bridge commissions in cities of the first class and conferring powers and imposing duties upon said commissions; providing for financing the construction of such bridges by the issuance of revenue bonds of said cities, payable solely from tolls and other revenues; providing that no debt of said cities shall be incurred in the exercise of any such powers; providing for the reversion of certain existing bridges; providing for the collection of tolls and other revenues from all such bridges to pay such bonds and the interest thereon and the cost of maintenance, repair and operation; providing for the issuance of revenue refunding bonds; exempting from taxes all such bridges and bonds; and repealing KRS 181.010 (3) and 181.300 to 181.500, inclusive, relating to bridge commissions in cities of the first class.

S. B. No. 181. AN ACT relating to a pension fund for police and firemen in cities of the second class.

S. Res. No. 30. A JOINT RESOLUTION authorizing and directing payment of a claim of The Rowland Paper Company.

S. Res. No. 28. A JOINT RESOLUTION authorizing and directing the payment of certain claims to Walter Deaton, sheriff of Breathitt County.

With the expression of opinion that same should pass.

Whereupon said bills and resolutions were read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 240. AN ACT changing the classification of the City of Kuttawa, in Lyon County.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 208. AN ACT relating to election or rejection of the Workmen's Compensation Act by employes, amending section 342.395 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 238. AN ACT relating to Workmen's Compensation.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 39. AN ACT relating to public library service and making an appropriation therefor.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

At the instance of the Committee on Rules, the Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 137. AN ACT relating to the practice of medicine and osteopathy.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Archie Craft	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Earl F. Martin	Sylvester Wagner
James P. Hanratty	Strother Melton	Ed P. Warinner
Doug Hays	Richard P. Moloney	John M. Williams
W. Thomas Hines	O. W. Montgomery	E. V. Withers
Stanley Hoffman	Jack R. Reynolds	
Dr. J. E. Johnson	William J. Sample	—28

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 280. AN ACT relating to the use of professional titles.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Jack R. Reynolds
Eugene H. Clark	Dr. J. E. Johnson	William J. Sample
Augustus Cornett	Alvin Kidwell	Clay Shackleford
Louis Cox	Bert Kiser	Cortis K. Stacy
Archie Craft	James Lassiter	Otis C. Thomas
Ernest M. Ford	Homer E. Losey	Wendell Van Hoose
Wayne Freeman	James R. Mansfield	Sylvester Wagner
Julian Golden	Earl F. Martin	John M. Williams
James P. Hanratty	Strother Melton	E. V. Withers
Doug Hays	Richard P. Moloney	
W. Thomas Hines	O. W. Montgomery	—31

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day bills of the following titles, viz:

H. B. No. 271. AN ACT relating to the taxation of special fuels.

H. B. No. 275. AN ACT relating to the excise tax on gasoline.

Senator Moloney moved that consideration of said bills be deferred and that same be allowed to retain their places in the Orders of the Day.

Said motion was agreed to.

At the instance of the Committee on Rules, the Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 278. AN ACT relating to the bank night awards tax.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	William J. Sample
Eugene H. Clark	Dr. J. E. Johnson	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warinner
Julian Golden	Richard P. Moloney	John M. Williams
James P. Hanratty	O. W. Montgomery	E. V. Withers
Doug Hays	Jack R. Reynolds	
W. Thomas Hines	Freeman Robinson	—34

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 176. AN ACT providing mileage for sheriffs in the various counties of the Commonwealth of Kentucky for the mileage traveled in the service of notices, subpoenas, and summons.

Senator Montgomery moved that the Senate do now adopt Committee Amendment No. 1 which is as follows, viz:

Amendment 1.

Amend printed copy of S. B. 176 on page 1, section, line,

By adding, following line 3 of section 3, the following section:

"Section 4. The provisions of this Act shall not apply with

relation to the delivery of a notice, subpoena or summons on behalf of the Commonwealth of Kentucky."

Said motion was agreed to.

And thereupon said amendment was adopted.

Senator Montgomery moved that the Senate do now adopt Committee Amendment No. 2 which is as follows, viz:

Amendment No. 2

Amend printed copy of S. B. 176 on page 2, line 1,

By striking the numeral "4" immediately following the word "Section" and substituting therefor the numeral "5"

Said motion was agreed to.

And thereupon said amendment was adopted.

Senator Montgomery moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with committee amendments, be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading of said bill having been dispensed with, said bill was read for the third time by its title only and passed, as amended.

The yeas and nays being taken on the passage of said bill as amended in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Ernest M. Ford	James R. Mansfield	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	Strother Melton	Sylvester Wagner
James P. Hanratty	Richard P. Moloney	Ed P. Warinner
Doug Hays	O. W. Montgomery	John M. Williams
W. Thomas Hines	Jack R. Reynolds	E. V. Withers
Stanley Hoffman	Freeman Robinson	

—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill as amended was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 177. AN ACT relating to the fees of sheriffs.

Senator moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Ernest M. Ford	James R. Mansfield	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Sylvester Wagner
Julian Golden	Strother Melton	Ed P. Warinner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
W. Thomas Hines	Jack R. Reynolds	
Stanley Hoffman	Freeman Robinson	—34

There voted in the negative—

Wendell Van Hoose —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 178. AN ACT relating to the allowance to sheriffs for patrol duties and inspection of dance halls, road houses and other places.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative,

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Bert Kiser	Clay Shackleford
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	James R. Mansfield	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	Strother Melton	Sylvester Wagner
James P. Hanratty	Richard P. Moloney	Ed P. Warinner
Doug Hays	O. W. Montgomery	John M. Williams
Thomas Hines	Jack R. Reynolds	E. V. Withers
Stanley Hoffman	Freeman Robinson	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At this time the President of the Senate vacated the chair which was assumed by Senator Kidwell.

At the instance of the Committee on Rules, the Senate then took up for consideration from the Orders of the Day, a bill entitled as follows, viz:

S. B. No. 186. AN ACT concerning fees of court commissioners and receivers.

Senator Montgomery moved the adoption of amendment by way of Committee Substitute, which is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 64.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fees of court commissioners and receivers for the following services shall be as follows:

To a commissioner for allotting dower, dividing land or settling accounts, per day	$ 5.00
To a commissioner for making a deed	2.25
To master commissioner or receiver, where the amount is not agreed upon by the parties, for each day they are actually engaged	4.50
For selling land or personal property: Where the amount of the sale does not exceed $2,000	11.25
Where the sale amounts to more than $2,000, but does not exceed $5,000	15.00
Where the sale amounts to more than $5,000, but does not exceed $10,000	22.50
Where the sale exceeds $10,000	37.50

Where the officer goes out of the county to make the sale he shall be allowed his actual expenses and $7.50 per day in addition to the fees.

Where more than one tract of land is sold under the same decree, the court may allow not exceeding $7.50 for each additional tract sold.

If a sale is set aside because of the fault of the officer making the sale, he shall not receive any compensation for his services connected with the sale.

For receiving and paying out money under an order of court:

Where the amount is more than $1,000, but does not exceed $2,000, 2% on the first $1,000 and 2% on the excess,

Where the amount is more than $2,000, but does not exceed $5,000, 2% on the first $2,000, and 1.5% on the excess.

Where the amount is over $5,000, he shall receive fees on the first $5,000 as above provided, and 1% on the remainder, not to exceed a total of $250, for such receipts and payments.

Said motion was agreed to.

Thereupon said amendment by way of Committee Substitute was adopted.

Senator Shaikun moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment by way of Committee Substitute, be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill, with amendment by way of Committee Substitute, be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the constitutional provision as to the third reading at length of said bill, with amendment by way of Committee Substitute, having been dispensed with, said bill, with amendment by way of Committee Substitute, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of asid bill, with amendment by way of Committee Substitute, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Thomas Hines	Strother Melton
Eugene H. Clark	Stanley Hoffman	O. W. Montgomery
Augustus Cornett	Dr. J. E. Johnson	Jack R. Reynolds
Archie Craft	Bert Kiser	William J. Sample
Julian Golden	James Lassiter	Clay Shackleford
Doug Hays	Earl F. Martin	Leon Shaikun

Cortis K. Stacy	Sylvester Wagner	E. V. Withers	
Paul Stapleton	John M. Williams		–23

Those who voted in the negative were—

Ernest M. Ford	Alvin Kidwell	Wendell Van Hoose	
James P. Hanratty	Homer E. Losey		–5

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment by way of Committee Substitute, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the rules of the Senate be suspended and a bill which was returned to the Senate from the House on March 3, 1952, entitled as follows, viz:

S. B. No. 180. AN ACT relating to insurance rates, amending KRS 304.603 and KRS 304.627.

With amendment thereto as proposed and adopted by the House,

Be taken from the Clerk's desk for the purpose of immediate consideration.

Said motion was agreed to by a majority of the members elected.

(For bill see S.J. of February 14, 1952, ante.)

Said House Amendments are as follows, viz:

House Amendment No. 1:

On page 4, section 1 (6), line 79, by striking the numeral "304.604 (1)" and substitute in lieu thereof the numeral "304.603 (4)"

House Amendment No. 2:

On page 6, section 2 (4), line 37, by inserting immediately before the word "of" at the end of the line, the phrase "and (6)"

House Amendment No. 3:

On page 8, section 2 (6), line 76, by striking the numeral

"304.627 (1)" and substituting in lieu thereof the numeral "304.627 (4)"

House Amendment No. 4:

On page 8, section 2 (7), line 79, by striking the numeral "304.603" and substituting in lieu thereof the numeral "304.627."

Senator Stapleton moved that the Senate concur in said House Amendment No. 1.

Said motion was agreed to.

Thereupon House Amendment No. 1 was concurred in.

Senator Moloney moved that the Senate concur in House Amendment No. 2.

Said motion was agreed to.

Thereupon House Amendment No. 2 was concurred in.

Senator Moloney moved that the Senate concur in House Amendment No. 3.

Said motion was agreed to.

Thereupon House Amendment No. 3 was concurred in.

Senator Moloney moved that the Senate concur in House Amendment No. 4.

Said motion was agreed to.

Thereupon House Amendment No. 4 was concurred in.

Said bill was then passed as amended.

The yeas and nays being taken on the passage of said bill, with house amendments, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Julian Golden	Alvin Kidwell
Eugene H. Clark	James P. Hanratty	Bert Kiser
Augustus Cornett	Doug Hays	James Lassiter
Ernest M. Ford	Thomas Hines	Homer E. Losey
Wayne Freeman	Stanley Hoffman	James R. Mansfield

Earl F. Martin	William J. Sample	Wendell Van Hoose
Strother Melton	Clay Shackleford	Sylvester Wagner
Richard P. Moloney	Leon Shaikun	Ed P. Warinner
O. W. Montgomery	Cortis K. Stacy	John M. Williams
Jack R. Reynolds	Otis C. Thomas	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with house amendments, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the Senate do now adjourn until 10 A.M., Thursday, March 6, 1952.

Said motion was agreed to.

And then the Senate adjourned.

THURSDAY, MARCH 6, 1952

The Senate convened and was called to order by the President of the Senate, Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend Paul S. Stauffer, Pastor of the First Christian Church, of Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Bert Kiser	Leon Shaikun
Eugene H. Clark	James Lassiter	Cortis K. Stacy
Augustus Cornett	James R. Mansfield	Paul Stapleton
Archie Craft	Strother Melton	Otis C. Thomas
Martin J. Duffy	Richard P. Moloney	Wendell Van Hoose
Wayne Freeman	O. W. Montgomery	Ed P. Warinner
Julian Golden	Jack R. Reynolds	John M. Williams
Doug Hays	Freeman Robinson	E. V. Withers
W. Thomas Hines	William J. Sample	
Dr. J. E. Johnson	Clay Shackleford	—28

The following Senators were absent—

Bernard J. Bonn	Ernest M. Ford	Stanley Hoffman
Louis Cox	James P. Hanratty	Alvin Kidwell

Homer E. Losey Earl F. Martin Sylvester Wagner
C. W. A. McCann —10

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings for Wednesday, March 5, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Shackelford moved that all absent members be granted leaves of absence.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Senator Withers.

S. B. No. 257. AN ACT relating to notaries public.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 423.010 of the Kentucky Revised Statutes is amended to read as follows:

The Secretary of State may appoint as many notary publics as he deems necessary, who shall hold office for four years. Any person desiring to be appointed a notary public shall make written application to the Secretary of State. The application shall be approved by the Circuit Judge, Circuit Clerk, County Judge, County Clerk, Justice of the Peace or a member of the General Assembly of the county of the residence of the applicant. No officer shall charge or accept any fee for approving the application. A notary public must be eighteen years of age, a resident of the county from which he makes his application, of good moral character and capable of discharging the duties imposed upon him by this chapter, and the endorsement of the officer approving the application shall so state. The Secretary of State in his certificate of appointment to the applicant must designate the limits within which the notary is to act. Before a notary acts, he must take an oath in the county court of his county that he will honestly and diligently discharge the duties of his office. He must in the same court give an obligation with

good security for the proper discharge of the duties of his office. Every certificate of a notary public shall state the date of the expiration of his commission. The Secretary of State shall give to each notary appointed a certificate of his appointment under the seal of the Commonwealth of Kentucky in lieu of a commission heretofore required to be issued to said notary by the Governor of Kentucky, and receive the same fee for the certificate that he now receives for attesting the commission issued by the Governor.

By Senator Moloney.

S. B. No. 258. AN ACT relating to administration and control of alcoholic beverages.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 241.015 of the Kentucky Revised Statutes is amended to read as follows:

There is created a Department of Alcoholic Beverage Control, which shall constitute a statutory administrative department of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The department shall consist of the commissioner of Alcoholic Beverage Control and the Alcoholic Beverage Control Board. The commissioner shall head the department, shall be its executive officer, and shall have charge of the administration of the department and perform all functions of the department not specifically assigned to the board. The Governor shall appoint as commissioner a person with administrative experience in the field of alcoholic beverage control. The commissioner shall be appointed for a term of four years and shall receive a salary of seven thousand five hundred dollars per annum.

Section 2. Section 241.030 of the Kentucky Revised Statutes is amended to read as follows:

The Alcoholic Beverage Control Board shall consist of the Commissioner of Alcoholic Beverage Control and two

persons appointed by the Governor, who shall be persons with administrative experience in the field of alcoholic beverage control and who shall serve for terms of four years each. One such person shall serve as Administrator of the Distilled Spirits Unit, and the other shall serve as Administrator of the Malt Beverage Unit, as indicated by the Governor in making the appointments. The commissioner shall be chairman of the board. The two administrators shall each receive a salary of seven thousand dollars per annum.

Ordered that said bills be printed and referred to the Committee on Rules.

CALENDAR

The Senate then took up for consideration from the Calendar bills of the following titles, viz:

S. B. No. 251. AN ACT relating to persons convicted of a crime while serving sentences in the State Penal Institutions.

H. B. No. 141. AN ACT relating to adoptions and the welfare of children and amending Sections 199.370, 199.510, 199.520, 199.570, 199.600, 199.640, 200.110, of Kentucky Revised Statutes and repealing Section 199.530 of the Kentucky Revised Statutes.

H. B. No. 143. AN ACT relating to the Department of Agriculture, Labor and Statistics.

H. B. No. 228. AN ACT relating to Workmen's Compensation.

H. B. No. 276. AN ACT relating to income taxation.

H. B. No. 279. AN ACT relating to the practice of Chiropody.

H. B. No. 368. AN ACT appropriating money out of the General Expenditure Fund for the fiscal year ending June 30, 1952, for expenses of sessions of the General Assembly, and declaring an emergency to exist.

H. B. No. 369. AN ACT relating to the Division of Publicity, amending KRS 146.060.

H. B. No. 284. AN ACT relating to Game and Fish.

H. B. No. 330. AN ACT relating to fees of County Judges.

H. B. No. 332. AN ACT relating to the fees of court commissioners and receivers.

H. B. No. 159. AN ACT relating to the offering and paying of rewards for the apprehension and conviction of persons guilty of stealing cattle or other domestic animals.

H. B. No. 312. AN ACT relating to traffic regulations and equipment of vehicles.

S. B. No. 148. AN ACT relating to providing school services in certain institutions.

S. B. No. 142. AN ACT relating to giving notice to the traveling public of the approach of trains to public highway crossings; amending Section 277.170 of the Kentucky Revised Statutes.

H. B. No. 122. AN ACT relating to time of payment of Teachers' Retirement annuities.

S. B. No. 241. AN ACT relating to Mechanics' and Materialmen's Liens.

S. B. No. 245. AN ACT providing for the establishment, construction, maintenance and operation of regional schools.

S. B. No. 244. AN ACT relating to the use of recording devices in circuit courts and authorizing their purchase.

H. B. No. 265. AN ACT to facilitate vehicular traffic in the Commonwealth of Kentucky by providing for the construction, maintenance, repair and operation of bridges; providing for the creation of bridge commissions in cities of the first class and conferring powers and imposing duties upon said commissions; providing for financing the construction of such bridges by the issuance of revenue bonds of said cities, payable solely from tolls and other revenues; providing that no debt of said cities shall be incurred in the exercise of any such powers; providing for the reversion of certain existing bridges; providing for the collection of tolls and other revenues from all such bridges to pay such bonds and the interest thereon and the cost of maintenance, repair and operation; providing for the issuance of revenue refund-

ing bonds; exempting from taxes all such bridges and bonds; and repealing KRS 181.010 (3) and 181.300 to 181.500, inclusive, relating to bridge commissions in cities of the first class.

S. B. No. 181. AN ACT relating to a pension fund for police and firemen in cities of the second class.

S. Res. No. 30. A JOINT RESOLUTION authorizing and directing payment of a claim of The Rowland Paper Company.

S. Res. No. 28. A JOINT RESOLUTION authorizing and directing the payment of certain claims to Walter Deaton, sheriff of Breathitt County.

Ordered that said bills be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bills be dispensed with and same be read for the second time by titles only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the second reading at length of said bills having been dispensed with, said bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills which originated in that body of the following titles, viz:

H. B. No. 171. AN ACT relating to labor organizations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It shall be unlawful for any national or international labor organization having one hundred or more members in good standing who reside or work in Kentucky not to have at all times one or more duly chartered and established local or subsidiary organizations in this State.

Section 2. Any national or international labor organization which violates section 1 of this Act, shall for each offense, be fined not less than one thousand dollars nor more than ten thousand dollars.

H. B. No. 188. AN ACT relating to the Kentucky Disabled Ex-Service Men's Board amending Section 36.060 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 36.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is created a board to be known as the Kentucky Disabled Ex-Service Men's Board, which shall constitute an independent agency of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The board shall be composed of the Lieutenant Governor, who shall act as chairman, the Adjutant General, and three members appointed by the Governor. The appointed mmebers shall serve for terms of four years and until their successors are appointed and have qualified, except that the members of the first board shall be so appointed that the term of one member will be for two years, another for there years anad the other for four years. Appointments to the board, including appointments of successors and appointments to fill vacancies, shall be so made that one member of the board shall be a person recommended for appointment by the American Legion, one member shall be a person recommended for appointment by the Veterans of Foreign Wars and one member shall be a person recommended for appointment by the Disabled American Veterans. Recommendations for appointment shall be in the form of a list of five names submitted to the Governor by the Commander or other executive head of the Kentucky department of the organization, and approved by the Executive Committee, Council of Administration or other governing body of the Kentucky department of the organization. No member appointed before the effective date of this act shall be disqualified because there is more than

one member from the same veterans' organization, however the first vacancy resulting from the expiration of a regular term after the effective date of this Act shall be filled by selecting a member from the list submitted by the Veterans of Foreign Wars, and the second such vacancy shall be filled by selecting a member from the list submitted by the Disabled American Veterans. The members of the board shall receive no compensation for their services, but shall be entitled to reimbursement for their actual and necessary traveling expenses and lodging incurred in the proper performance of their duties in or out of this state.

H. B. No. 210. AN ACT relating to the payment of certain expenses of Commonwealth's attorneys, and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each commonwealth's attorney of the State shall be paid out of the State Treasury, each month, the sum of $100.00, which sum is hereby declared to be the equivalent of the minimum sum that each commonwealth's attorney will expend each month, in the performance of his official duties, for postage, telephone service, supplies, stationery, and books and periodicals. The Commissioner of Finance shall, on the first of each month, draw his warrant on the Treasurer in favor of each commonwealth's attorney, for the sum above stated, and the same shall be paid out of the Revolving Fund created by section 2 of this Act. The sums so received shall be expended by each commonwealth's attorney in his discretion, the manner in which the same shall be applied in payment or reimbursement of such expenses being determined by such officer.

Section 2. To provide the revenue necessary to carry out the provisions of this Act, a tax of two dollars is hereby levied upon conviction of each criminal case carrying a fine where the fine is paid into the State Treasury. The funds raised by the aforesaid tax shall be paid into the State Treasury, and shall be deposited into a revolving fund which hereby is created and designated the Commonwealth's Attorneys' Expense Account, and

from which fund the appropriations hereunder shall be disbursed.

Section 3. In anticipation of the collection of the revenues herein provided for, and to enable the State Treasury to make timely payments under the provisions of this Act, the sum of sixty thousand dollars shall be advanced from the General Fund to the Commonwealth's Attorneys' Expense Account. Said sum shall be repaid to the General Fund at the close of the fiscal year 1952-53 and at the close of each fiscal year thereafter, from surpluses which shall have accumulated in the Commonwealth's Attorneys' Expense Account in excess of twenty-five thousand dollars. After said advancement has been paid in full, any surplus in excess of twenty-five thousand dollars which shall have accumulated to the Commonwealth's Attorneys' Expense Account at the close of any fiscal year shall be transferred to and become a part of the General Fund of the Commonwealth.

Section 4. WHEREAS, present economic conditions are such as to impose an unconscionable burden upon the Commonwealth's attorneys of the Commonwealth, and to create a threat to the expeditious and impartial administration of law enforcement, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

H. B. No. 402. AN ACT relating to the office of sheriff and to the payment and collection of taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 134.215 of the Kentucky Revised Statutes is amended to read as follows:

(1) An outgoing sheriff, as soon as his successor has been qualified and inducted into office and his official bond approved, shall immediately vacate his office, deliver to his successor all books, papers, records and other property held by virtue of his office, and make a complete settlement of his accounts as sheriff. except as otherwise provided in this section.

(2) All unpaid tax bills and bills upon which partial pay-

ments have been accepted in the possession of the sheriff upon the date of expiration of his term shall be turned over to the incoming sheriff, who shall collect and account for them as provided by law. The outgoing sheriff shall take a receipt from the incoming sheriff for the unpaid and partially paid tax bills. This receipt shall show in detail for each unpaid and for each partially paid tax bill the total amount due each taxing district as shown upon the tax bills. The receipt shall be signed and acknowledged by the incoming sheriff before the county clerk, filed in the county court, and recorded in the order book of the county court in the manner required by law for recording the official bond of the sheriff. A certified copy of the receipt as recorded in the order book of the county court shall be filed with the Department of Revenue. The outgoing sheriff and his bondsmen or sureties shall be relieved in securing his quietus and in the final settlement of his accounts of all responsibility for collecting and accounting for the amounts covered by the receipt and the incoming sheriff shall be charged with full responsibility for collecting and accounting for these amounts as otherwise provided by law for the collection and accounting for taxes.

(3) Each outgoing sheriff shall make a final settlement with the Department of Revenue and the fiscal court and taxing district of his county by March 15 immediately following the expiration of his term of office for all charges of taxes made against him and for all money received by him as sheriff and to obtain his quietus, and immediately thereafter he shall deliver these records to the incumbent sheriff.

(4) For purposes of accounting for unpaid and partially paid tax bills, either the outgoing sheriff, the incoming sheriff, or both, may, by giving advance notice in a local newspaper of general circulation in the county, refuse to accept payment of ad valorem taxes during any or all of that portion of their terms of office from January 1 through January 15. Irrespective of whether the office refuses to accept payment of taxes during any or all of this fifteen-day period, both the incoming and outgoing sheriffs shall have working access to the office facilities and to the records and mail of the sheriff's office relating to the payment, collection and refund of ad valorem taxes on property. Interest

shall not be assessed or collected for the period during which payment of taxes is prohibited under the terms of this section.

Section 134.325 of the Kentucky Revised Statutes is amended to read as follows:

Each sheriff shall make his settlement with the Department of Revenue for all taxes collected for the Commonwealth before June 1 of each year during his term of office. In the event that any sheriff resigns, dies or otherwise vacates his office, the settlement shall be made within thirty days from the date that the office is vacated. Any sheriff who shall fail to make the settlement as required by law shall be subject to indictment in the county of his residence and fined not less than one hundred dollars nor more than five hundred dollars.

Subsection (1) of Section 134.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) All personal property owned by a delinquent taxpayer shall be subject to distraint, and all property owned by him shall be subject to levy and sale by the proper collecting officer at any time from February 1 after the tax claim becomes delinquent until the tax claim is barred by limitations, unless otherwise provided by law.

H. B. No. 403. AN ACT relating to depositories of state funds and moneys; amending KRS 41.240.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 41.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before any bank shall be named as a state depository to receive public funds, it shall pledge to the State Treasurer, as collateral, securities having a face value at least 10 percent in excess of the deposits and having a current quoted market value at least equal to the deposits. The State Treasurer and the Governor shall from time to time call for additional collateral to adequately secure the deposits as current market values may require.

(2) Only the following securities shall be eligible to be pledged as collateral under this section: State warrants; state bonds, including bridge revenue bonds; county bonds as authorized by KRS 41.245; housing commission obligations as authorized by KRS 386.040 and 386.050; and direct obligation bonds of the United States Government.

Ordered that said bills be printed and referred to the Committee on Rules.

A message which was received from the House of Representatives further announced that they had passed bills which originated in the Senate of the following titles, viz:

S. B. No. 38. AN ACT relating to mechanics' and materialmen's liens.

S. B. No. 68. AN ACT relating to motor transportation and motor vehicles.

S. B. No. 69. AN ACT relating to reciprocal exemptions for nonresident motor carriers.

S. B. No. 92. AN ACT relating to confederate pensions.

S. B. No. 106. AN ACT concerning Commonwealth's attorneys, assistant Commonwealth's attorneys, district detectives and stenographers.

S. B. No. 119. AN ACT amending Section 423.010, Kentucky Revised Statutes.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

Senator Moloney moved that the Senate do now recess until 11:00 A.M.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President of the Senate asumed the chair and presided over the Senate.

HOUSE MESSAGE

A message was received from the House announcing that

they had passed a bill which originated in that body of the following title, viz:

H. B. No. 256. AN ACT relating to Grade Crossings in Counties Containing a City of the First Class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The provisions of this Act shall apply only in counties containing a city of the first class.

Sec. 2 (a). Whenever the fiscal court considers it reasonably necessary for the public safety, it may in the manner hereinafter provided, order any railroad company, either steam or electric, owning or operating a railroad in its county, to eliminate any existing grade crossing or change any existing overhead or underpass structure where any county road crosses the railroad tracks of such company.

(b). The fiscal court shall give at least ten days' notice by registered mail to the railroad company of a hearing to be held at a time and place stated in the notice, at which hearing it shall consider whether or not the proposed grade separation or change is reasonably necessary and the most advantageous method of effecting the grade separation or change. In determining whether the proposed grade separation or change is reasonably necessary, the fiscal court shall receive evidence of, and shall consider, all relevant facts, including the present and prospective density of highway traffic and the present and prospective frequency and speed of train movements over the crossing, the adequacy of existing or proposed signals or warning devices for the protection of highway traffic at the grade crossings, the possibility and probability of personal injury to the public using the highway and to employees and passengers of the railroad company and damage to property, and the cost of the grade separation or change in relation to benefits resulting from the proposed construction. If the fiscal court finds that the grade separation or change is reasonably necessary, it shall make an order to that effect and furnish a copy thereof by registered mail to the railroad company. The order shall specify

a general plan for the new or changed grade separation. The order shall direct the railroad company to prepare plans, specifications and estimates of cost for the grade separation or change in accordance with the general plan prescribed by the order, or may provide that the plans, specifications and estimates of cost shall be prepared by the county if the grade separation structure shall pass over the railroad tracks. The plans, specifications and estimates of cost may, if requested by any public utility, provide facilities for such public utility.

(c). Within ninety days after the entry of an order directing a grade separation or change, and the preparation of plans, specifications and estimates of cost by the railroad company, the railroad company shall present to the fiscal court plans, specifications and estimates of cost for the grade separation or change, including the necessary approaches thereto.

(d). After receipt of the plans, specifications and estimates of cost from the railroad company the fiscal court shall give at least ten days' notice by registered mail to the railroad company of a time and place for final hearing with respect to the grade separation or change. If the fiscal court elects to prepare plans, specifications and estimates of cost, it shall furnish copies thereof to the railroad company prior to or at the time it gives notice of a final hearing. At the final hearing the fiscal court shall consider whether or not the plans make reasonably adequate provision for present and future safety and convenience of highway traffic and present and future safety and efficiency of operation of trains of the railroad company, its employees and passengers, and for the development of highway and railroad facilities, and shall approve or modify the plans and specifications. It shall then consider and determine the method of doing the work, whether by the railroad company or by the county, or partly by one and partly by the other, and whether by contract or by the employees of the county or the railroad company, or both, or by any combination of these methods, and if by contract, the method and manner of advertising for bids, the time and place of opening the bids, the time when work shall be begun and completed, and all similar matters of an administrative nature. The fiscal court shall embody its con-

clusions in a final order, a copy of which shall be sent by registered mail to the railroad company.

(e). The fiscal court may reject or order the rejection of all bids submitted for the work, or any part thereof, and require a readvertisement for bids. The fiscal court may reject all bids and elect to do the work itself, or partly by itself and by the railroad company, or by contractors, or by a combination of these methods. If the work includes a structure to support the railroad tracks, the railroad company shall have the right to supervise the construction of that part of the work. If the fiscal court elects to do the work itself there shall not be charged to the railroad company any sum in excess of that it would have been required to pay had the contract been let to the lowest bidder.

In all cases where the work is let by the railroad company on contract, the work shall be done under the general supervision of the County Road Engineer.

(f). The cost of all work incident to or occasioned by the elimination of the grade crossing and the construction of a substituted crossing, or the reconstruction of an existing overhead or underpass structure, including, without limitation of the generality of the foregoing, the cost of preparing plans and specifications, the cost of acquisition of necessary property and property damage, if any, the construction of approaches, drainage structures, and streets and pavements, shall be paid in the proportion of 15 per cent by the railroad company and 85 per cent by the county; provided, however, that the cost of any facilities provided at the request and for the benefit of any public utility shall not be considered to be apart of the cost of the work for the purpose of this Section 2, but shall be paid by such public utility in such manner and at such time as the fiscal court shall, by order, direct, or as may be agreed by contract between the fiscal court and such public utility.

As the work progresses the fiscal court shall furnish to the railroad company, and the railroad company shall furnish to the fiscal court, a monthly statement showing in detail all amounts expended in connection with the work. On or about the fifteenth of each month, the County Road Engineer shall prepare a state-

ment showing the total amount expended to the close of the preceding month, the amount paid or expended by each party up to that time, and the amount due from the county to the railroad company or from the railroad company to the county. Upon receipt of the statement each party shall pay to the other the amounts shown to be due thereby.

All payments made on such monthly statements shall be considered only payments on account, and upon final completion of the work the County Road Engineer shall prepare and furnish to the railroad company a statement showing the total cost of the work, the amount paid or expended by the county or the railroad company, and the amount due from one to the other. Each party shall be afforded reasonable opportunities to verify the statements of expenditures by the other, and the balance due as certified by the County Road Enginner in his final statement shall be paid by one party to the other promptly upon receipt of such final statement.

(g). The fiscal court and any railroad company may agree by contract as to the method of eliminating any grade crossing or changing any existing overhead or underpass structure. In event of such agreement all notices, hearings and proceedings shall be deemed to have been waived, and the work of eliminating the grade crossing or making the change shall be performed in accordance with the terms of the contract, with the same effect as though the work were being performed pursuant to a final order of the fiscal court.

Sec. 3(a). After the effective date of this Act, if the fiscal court proposes to construct a new county road across an existing railroad, or a railroad company proposes to construct a new railroad across an existing county road, the party proposing such construction shall provide the other party with plans and specifications for its proposed construction, showing the location thereof, and, if the proposed crossing is to be separated, a general plan for such separation. The fiscal court shall give at least ten days' notice of a hearing to be held at a time and place stated in the notice, at which hearing it shall consider whether the proposed crossing shall be approved and whether a grade separation is reasonably necessary for the present and future safety and convenience of highway traffic and present and future

efficient operation of the railroad company's facilities and the safety of its employees and passengers, and in accordance with the standards prescribed for grade separations in Section 2 hereof.

If the fiscal court shall find that a grade separation is reasonably necessary at such proposed crossing, it shall approve, or provide for the submission and subsequent approval of, plans and specifications for the grade separation. The determinations of the fiscal court shall be by order, and its final determination shall be by final order, which shall fix the method of doing the work in the manner provided in Section 2(d) hereof, and which shall be served on the railroad company by registered mail. If the fiscal court orders a grade separation at such proposed crossing, the entire cost of such separation shall be borne by the party proposing the crossing.

(b). If a grade crossing has been created by the construction of any railroad or county road between December 31, 1951, and the effective date of this Act, and the fiscal court desires to consider a separation thereof it shall, within a reasonable time, proceed by a hearing as provided in subsection (a) of this section.

If the fiscal court shall find that a grade separation is reasonably necessary at such crossing, it shall approve, or provide for the submission and subsequent approval of, plans, specifications and estimates of cost for the grade separation, and shall determine whether the entire cost of the crossing should equitably be imposed on the party creating such crossing, or whether and in what proportion such cost shall be apportioned between the county and the railroad company on an equitable basis, after consideration of all relevant facts, and the relative responsibilities of, and benefits accruing to, each party from such separation of grades, including consideration of adequate provision for future development of highway or railroad facilities. The determinations of the fiscal court shall be by order, and its final determination shall be by final order, which shall fix the method of doing the work in the manner provided in Section 2(d) hereof, and which shall be served on the railroad company by registered mail.

(c). The fiscal court and the railroad company may agree

by contract as to the method of constructing grade separations under this section and the distribution or allocation of cost thereof, under this section, and in such event, all notices, hearings and orders shall be deemed to have been waived, and the construction of the crossing shall be performed in accordance with the terms of the contract, with the same effect as though the work was being performed pursuant to a final order of the fiscal court.

Sec. 4. All contracts let by the railroad company under this Act shall be submitted to and approved by the County Road Engineer.

Sec. 5. After the construction of any grade separation under this Act, the county shall maintain the roadway paving and sidewalks. If the road crosses the railroad by an overhead bridge or elevated structure, the county shall maintain the bridge or structure and its approaches. If the road passes under the railroad tracks, the railroad company shall maintain the structure supporting its tracks and its abutments.

Sec. 6(a). Any railroad company dissatisfied with a final order of the fiscal court directing the elimination of any existing grade crossing or change of existing overhead or underpass structure under Section 2 hereof, or a final order in respect of a new crossing under Section 3 hereof, may, within twenty days after receipt by the railroad company of a copy of the order, attested by the clerk of the fiscal court, file in the clerk's office of the circuit court of the county, together with a statement of the reasons why the order should not be enforced. On the filing of a copy of the order and the statement, the circuit clerk shall issue summons thereon in the same manner as summons is issued in equity actions in the circuit court. The trial of all appeals under this section shall be by a chancellor and shall take precedence of all other civil business in the circuit court, and the evidence shall be taken by depositions or as the circuit court may direct.

(b). On the hearing of the appeal, the circuit court shall determine whether the construction required by such final order is reasonably necessary for the public safety, whether the

plans and specifications prescribed by such order make reasonably adequate provision for present and future safety and convenience of highway traffic and present and future safety of operation of trains of the railroad company, its employees and passengers, and for future development of highway and railroad facilities. If the appeal be from a final order of the fiscal court made pursuant to Section 3 hereof, the circuit court shall further determine whether the cost of the grade separation was equitably imposed on one party or equitably apportioned between the county and the railroad company.

(c). Upon submission of the case, the circuit court shall embody its findings and conclusions of law in a final judgment, which may enjoin the fiscal court from enforcing its order, or direct the railroad company to proceed with the work in accordance with the order of the fiscal court, or in accordance with other plans and specifications prescribed by the court, and, if the appeal be from a final order under Section 3 hereof, shall impose the cost of the work on the county or on the railroad company, or distribute or apportion the cost of the work to and between the county and the railroad company.

Sec. 7. Either the county or the railroad company dissatisfied with the final judgment of the circuit court may appeal to the Court of Appeals in the same manner as appeals are taken in other civil cases, except that no appeal bond shall be required. In all such appeals the record must be filed in the office of the Clerk of the Court of Appeals not later than sixty days after the entry of the judgment in the circuit court. All cases appealed under this section to the Court of Appeals shall be immediately docketed. The appellant shall file its brief within fifteen days after the appeal is docketed, and the appellee shall file its brief within fifteen days thereafter. Thereupon the case shall be advanced and submitted.

Sec. 8. If any railroad company fails to comply with any order of the fiscal court issued under authority of this Act or with a final judgment of the circuit court or Court of Appeals, the county through its fiscal court may cause to be instituted in the circuit court of the county an action to compel compliance with the order by mandatory process of the court.

Sec. 9. Whereas, railroad companies are planning immediate and substantial construction of new trackage in Jefferson County; now

Therefore, an emergency is declared to exist, and this Act shall become effective from and after its passage and approval by the Governor.

Ordered that said bill be printed and referred to the Committee on Rules.

REPORT OF COMMITTEE

Honorable Emerson Beauchamp, Chairman of the Committee on Rules, to which same had been referred previously, reported bills of the following titles, viz:

H. B. No. 402. AN ACT relating to the office of sheriff and to the payment and collection of taxes.

H. B. No. 403. AN ACT relating to depositories of state funds and moneys; amending KRS 41.240.

S. B. No. 257. AN ACT relating to notaries public.

S. B. No. 258. AN ACT relating to administration and control of alcoholic beverages.

H. B. No. 24. AN ACT relating to state aid for district tuberculosis sanatoria, amending section 215.320 of the Kentucky Revised Statutes.

S. B. No. 247. AN ACT relating to strip or open pit mining, and the conservation of natural resources as affected thereby.

H. B. No. 64. AN ACT relating to disclosure of sources of information published by newspapers, radio and television stations amending section 421.100 of the Kentucky Revised Statutes.

S. B. No. 61. AN ACT relating to the equipment of rail track cars used or furnished by common carriers by railroad for transporting employes; providing for the extension of necessary time in which to equip said cars; and penalizing those carriers who operate or furnish for operation such unequipped cars to their employes for transportation to or from their place or places of labor.

HOUSE MESSAGE

H. B. No. 175. AN ACT concerning equipment of vehicles.

S. B. No. 246. AN ACT relating to the payment of wages of deceased employes without administration.

H. B. No. 87. AN ACT authorizing water districts to acquire, develop, maintain and operate gas systems.

H. B. No. 326. AN ACT relating to eminent domain.

H. B. No. 125. AN ACT relating to common schools with particular reference to entrance age requirements.

H. B. No. 171. AN ACT relating to labor organizations.

S. B. No. 228. AN ACT relating to the qualifications and licensing of dentists.

H. B. No. 237. AN ACT relating to collection of taxes in fifth-class cities.

With expression of opinion that same should pass.

Whereupon said bills were read at length for the first time and

Ordered placed in the Calendar.

Honorable Emerson Beauchamp, Chairman of the Committee on Rules, to which same had been referred previously, reported bills of the following titles, viz:

H. B. No. 119. AN ACT relating to salaries of mayors and commissioners.

With the expression of opinion that same should pass, with amendments as follows, viz:

Amendment No. 1. By striking out in line 4 the following words: "more than $3000"" and adding in lieu thereof the following "less than $1800 and not more than $3000.

Amendment No. 2. By striking out in line 5 and 6 the following words: "more than $2500" and adding in lieu thereof the following: "less than $1500 and not more than $2500, to be fixed by the City Legislative body.

Whereupon said bill with amendments was read at length for the first time and

Ordered placed in the Calendar.

H. B. No. 63. AN ACT relating to Actions for Libel or Slander amending Section 411.050 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass with amendment by way of Committee Substitute, as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 411.050 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) In any action for damages for the publication of an alleged erroneous and defamatory statement by a newspaper, or by visual or sound radio station, the defendant shall be entitled to allege and offer proof that said statement was published without malice, and that the plaintiff failed to demand a retraction in the manner provided by subsection (2) of this section, or that the defendant made a retraction in the manner provided by subsections (3) and (4), or by subsection (5), of this section;

(2) Each demand for retraction shall be in writing, and shall be signed by the person, or by his attorney or agent, who desires retraction of a particular statement, and shall specify wherein the statement is claimed to be erroneous and defamatory;

(3) Each retraction of an alleged erroneous and defamatory statement that is made by a newspaper after receipt by it of demand therefor, as described in subsection (2) of this section shall, if the newspaper is a daily newspaper, be first published in a regular issue thereof within three business days (exclusive of Sundays and holidays) immediately following receipt by such newspaper of said demand for retraction. If the newspaper is not a daily newspaper, such retraction shall be published either in the next regular issue thereof immediately following receipt of said demand for retraction, or in the next regular issue thereof that is published more than three business days (exclusive of Sundays and holidays) immediately following receipt by such newspaper of said demand for retraction. Each retraction of an

alleged erroneous and defamatory statement that is made by a visual or sound radio station after receipt by it of demand therefor, as described in subsection (2) of this section, shall be broadcast by such station within three days immediately following receipt by such station of said demand for retraction;

(4) For the purposes of this section, a retraction shall be an accurate correction or explanation of the statement complained of, and shall be published in the following manner:

(a) In the case of a newspaper, the retraction shall be published in as conspicuous and public a manner as that in which the alleged defamatory statement was published, and shall be in the same type and in the same place in at least two successive issues of the same publication, accompanied by editorials retracting the alleged defamatory statement.

(b) In the case of a visual or sound radio station, the retraction shall be broadcast from the same station at substantially the same time of day, and with the same sending power, as the alleged defamatory statement was broadcast;

(5) Any newspaper, or visual or sound radio station, may, prior to receiving a demand for retraction as described in subsection (2) of this section, publish or broadcast a retraction of any erroneous statement in the manner prescribed in subsection (4) of this section, regardless of whether same is, or is not, defamatory;

(6) Allegations and proof of any of the matters set out in subsections (1) of this section shall prevent the recovery of punitive damages, and may be considered in mitigation of other damages.

Section 2. In order to prevent any conflict or ambiguity resulting from the amendment of KRS 411.050, as set out in section 1 of this act, section 124a of Carroll's Kentucky Civil Code of Practice is hereby repealed.

Whereupon said bill, with amendment by way of Committee Substitute, was read at length for the first time and

Ordered placed in the Calendar.

H. B. No. 133. AN ACT relating to the disposition of

fines for forfeitures resulting from convictions for violations of the provisions of sections 189.221, 189.222 and 189.270 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass with amendment by way of Committee Substitute, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Notwithstanding any other statutory provisions to the contrary, all fines and forfeitures recovered in any court as a result of a conviction for the violation of any of the provisions of KRS 189.221, 189.222 or 189.270, which violation occurred on a state-maintained highway and arrest was made by a member of a city police force, shall inure to the benefit of the state, shall be paid into the General Fund of the State Treasury, and no part shall be returned to the local governmental units from which they were sent.

Whereupon said bill, with amendment by way of Committee Substitute, was read at length for the first time and

Ordered placed in the Calendar.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 271. AN ACT relating to the taxation of special fuels.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading a length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Eugene H. Clark	Alvin Kidwell	William J. Sample
Augustus Cornett	Bert Kiser	Cortis K. Stacy
Louis Cox	James Lassiter	Paul Stapleton
Archie Craft	Homer E. Losey	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Strother Melton	Sylvester Wagner
Julian Golden	Richard P. Moloney	Ed P. Warinner
Doug Hays	O. W. Montgomery	John M. Williams
W. Thomas Hines	Jack R. Reynolds	E. V. Withers

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Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 275. AN ACT relating to the excise tax on gasoline.

Senator Moloney moved that consideration of said bill be deferred and that it be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 240. AN ACT changing the classification of the City of Kuttawa, in Lyon County.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	Leon Shaikun
Eugene H. Clark	Bert Kiser	Cortis K. Stacy
Augustus Cornett	James Lassiter	Paul Stapleton
Louis Cox	Homer E. Losey	Otis C. Thomas
Archie Craft	James R. Mansfield	Wendell Van Hoose
Martin J. Duffy	Strother Melton	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warinner
Julian Golden	O. W. Montgomery	John M. Williams
W. Thomas Hines	Jack R. Reynolds	E. V. Withers
Stanley Hoffman	Freeman Robinson	
Dr. J. E. Johnson	William J. Sample	—31

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At this time the President of the Senate vacated the Chair. Senator Cox, President Pro Tem assumed the chair and presided over the Senate.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 208. AN ACT relating to election or rejection of the Workmen's Compensation Act by employes, amending section 342.395 of the Kentucky Revised Statutes.

Senator Stapleton moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	W. Thomas Hines	O. W. Montgomery
Eugene H. Clark	Stanley Hoffman	Freeman Robinson
Augustus Cornett	Dr. J. E. Johnson	William J. Sample
Louis Cox	Alvin Kidwell	Leon Shaikun
Archie Craft	Bert Kiser	Otis C. Thomas
Martin J. Duffy	James Lassiter	Wendell Van Hoose
Ernest M. Ford	Homer E. Losey	Sylvester Wagner
Wayne Freeman	James R. Mansfield	Ed P. Warinner
Julian Golden	Strother Melton	John M. Williams
Doug Hays	Richard P. Moloney	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 39. AN ACT relating to public library service and making an appropriation therefor.

Senator Moloney moved the adoption of amendment by way of Committee Substitute, which is as follows, viz:

WHEREAS less than one-half of the total population of Kentucky has access to local public library facilities; and

WHEREAS only twenty percent of the residents of rural areas have public library service; and

WHEREAS aid from the state is essential for the provision of adequate local public library service throughout the state;

NOW THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. For promoting, aiding and equalizing public library service in Kentucky, particularly in rural areas, there is hereby appropriated out of the General Expenditure Fund of the State Treasury, to a special fund to be known as the Public Library Service Fund, the sum of $50,000 for the fiscal year 1952-53, and $60,000 for the fiscal year 1953-54.

2. The Director of the Library Extension Division of the Department of Library and Archives, the Commissioner of Finance and the Attorney General shall constitute a Public Library Service Commission for the purpose of administering the provisions of this Act. The commission shall elect a chairman and a secretary from among its members. It shall promulgate rules and regulations for the administration of this Act and for the allocation of funds appropriated for the purposes of this Act. In allocating funds to counties, the commission shall give primary

consideration to the need for additional library service in each county.

3. Any funds appropriated for the purposes of this Act shall be expended for aiding in the establishment, extension and development of local public library facilities (exclusive of library buildings, equipment and furniture) through the purchase of books or bookmobiles, through technical assistance, educational and promotional programs, and such other methods and services as will best accomplish the purpose. Funds in the Public Library Service Fund shall be paid out by the State Treasurer on warrants drawn by the Commissioner of Finance on order of the Chairman of the Public Library Service Commission.

4. To the extent of funds available, grants shall be made to counties applying for state aid, in the order in which they meet the requirements established by the Public Library Service Commission. Grants-in-aid thus provided shall not exceed $5,000 to any county. Each county receiving a state grant shall expend from local funds, for county-wide public library service during the years for which aid is received a sum equal to at least 5% of the amount received from state funds; the ratio of matching to be based on local financial ability as determined by the assessed valuation of the county.

5. The fund appropriated under this Act shall be separate and apart from the appropriation to the Library Extension Division, which appropriation shall not be affected by this Act or appropriation hereunder.

6. It is the intention of this Act to add to the public library service given by local communities and not to relieve such communities of their responsibilities.

Said motion was agreed to.

Thereupon said amendment by way of Committee Substitute was adopted.

Senator Losey moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment by way of Committee Substitute, be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill, with amendment by way of Committee Substitute, be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the constitutional provision as to the third reading at length of said bill, with amendment by way of Committee Substitute, having been dispensed with, said bill, with amendment by way of Committee Substitute, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment by way of Committee Substitute, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Eugene H. Clark	Dr. J. E. Johnson	William J. Sample
Augustus Cornett	Alvin Kidwell	Leon Shaikun
Louis Cox	Bert Kiser	Cortis K. Stacy
Archie Craft	James Lassiter	Paul Stapleton
Martin J. Duffy	Homer E. Losey	Otis C. Thomas
Ernest M. Ford	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Strother Melton	Sylvester Wagner
Julian Golden	Richard P. Moloney	Ed P. Warinner
Doug Hays	O. W. Montgomery	John M. Williams
W. Thomas Hines	Jack R. Reynolds	E. V. Withers

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Senator Kidwell moved the adoption of amendment to title, as follows, viz:

Amend the title of Committee Substitute to House Bill No. 39 by adding the following words: "This bill shall be known as the Hays-McClain Bill." after the period on line 2 page 1 of the printed bill.

Said motion was agreed to.

Thereupon said amendment to title was adopted.

Senator Moloney moved that the vote by which said bill, with amendment by way of Committee Substitute, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the Senate do now adjourn until 8 P. M., Monday, March 10, 1952.

Said motion was agreed to.

And then the Senate adjourned.

MONDAY, MARCH 10, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend E. W. Baxter of the Episcopal Church of Frankfort.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Otis C. Thomas
Ernest M. Ford	Earl F. Martin	Wendell Van Hoose
Wayne Freeman	Strother Melton	Sylvester Wagner
Julian Golden	Richard P. Moloney	Ed P. Warinner
Doug Hays	O. W. Montgomery	John M. Williams
Thomas Hines	Jack R. Reynolds	E. V. Withers

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The following Senators were absent—

James P. Hanratty C. W. A. McCann —2

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings for Thursday, March 6, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, of the Committee on Enrollment reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

S. B. No. 154. AN ACT authorizing the Governor of the Commonwealth of Kentucky to enter into a compact with any other state or states for mutual assistance in meeting any civil defense emergency or disaster.

S. B. No. 81. AN ACT relating to the appellate civil jurisdiction of the Court of Appeals.

S. B. No. 189. AN ACT concerning school building funds.

S. B. No. 180. AN ACT relating to insurance rates, amending KRS 304.603 and KRS 304.627.

S. B. No. 38. AN ACT relating to mechanics' and materialmen's liens.

S. B. No. 68. AN ACT relating to motor transportation and motor vehicles.

S. B. No. 69. AN ACT relating to reciprocal tax exemptions for nonresident motor carriers.

S. B. No. 92. AN ACT relating to confederate pensions.

S. B. No. 106. AN ACT concerning Commonwealth's attorneys, assistant Commonwealth's attorneys, district detectives and stenographers.

S. B. No. 119. AN ACT amending Section 423.010, Kentucky Revised Statutes.

Thereupon, all other business was suspended, said bills was read at length and compared in open session and found to be correctly enrolled; and thereupon the President of the Senate,

in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Enrolling Clerk of the Senate deliver the original and enrolled copies of said bills to the House.

After a time the Enrolling Clerk delivered said original and enrolled copies of said bills duly signed by the Speaker of the House.

Ordered that the Chief Clerk of the Senate deliver said bills to the Governor.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Senator Cox.

S. B. No. 259. AN ACT to amend Section 271.155, Kentucky Revised Statutes, relating to shares, classes, and series of stock of private corporations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Section 271.155 of the Kentucky Revised Statutes be amended to read as follows:

(1) The shares of a corporation may be divided into one or more classes or one or more series within any class. Any or all classes may be with par value or without par value, with such voting powers, full or limited, or without voting powers, and with such designations, preferences and relative, participating, optional or other special rights, and qualifications, limitations or restrictions thereof, as shall be stated in the articles of incorporation or any amendment thereto. The power to increase or decrease or otherwise adjust the capital as in this chapter elsewhere provided shall apply to all or any such classes of shares. Any preferred or special shares may be made subject to redemption at such

time or times and at such price or prices as shall be stated in the articles of incorporation or any amendment thereto.

(2) The holders of preferred or special shares shall be entitled to receive dividends at such rates, on such conditions and at such times as shall be stated in the articles of incorporation or any amendment thereto, payable in preference to, or in such relation to, the dividends payable on any other class or classes, and cumulative or noncumulative, as shall be so stated. When the full dividends upon such shares, if any, for all past dividend periods, have been paid, or declared and a sum sufficient for the payment thereof set apart, a dividend on the remaining class or classes may then be paid out of the remaining assets of the corporation available for dividends.

(3) The holders of preferred or special shares shall be entitled to such rights upon the dissolution of, or upon any distribution of the assets of, the corporation as shall be stated in the articles of incorporation or any amendment thereto.

(4) Shares of any class or of any series thereof may be made convertible into or exchangeable for shares of any other class or classes or of any other series of the same or any other class or classes at such price or prices or at such rates of exchange and with such adjustments as shall be stated in the articles of incorporation or any amendment thereto.

(5) If the articles so provide, the shares of any preferred or special class may be divided into and issued in series. If the shares of any such class are to be issued in series, then each series shall be so designated as to distinguish the shares thereof from the shares of all other series and classes. Any or all of the series of any such class and the variations in the relative rights and preferences, as between different series, may be fixed and determined by the articles, provided that all shares of the same class shall be identical except as to the following relative rights and preferences, in respect of any or all of which there may be variations between different series namely, the rate of dividend, the

price at, and the terms and conditions on, which shares may be redeemed, the amounts payable upon shares in event of voluntary or involuntary liquidation, sinking fund provisions for the redemption or purchase of shares, and the terms and conditions on which shares may be converted in the event the shares of any series are issued with the privilege of conversion. Different series of the same class of shares shall not be construed to constitute different classes of shares for the purpose of voting by classes under this act.

(6) If the articles shall expressly vest authority in the board of directors, then, to the extent that the articles shall not have established series and fixed and determined the variations in the relative rights and preferences as between series, the board of directors shall have authority, by resolution, to divide any or all of such classes into series and, within the limitations set forth in this section, fix and determine the relative rights and preferences of any series so established and to change redeemed or reacquired shares of one series thereof into shares of another series. Such authority of the board of directors shall be subject to such limitations, if any, as are stated in the articles, and shall always be subject to the limitation that the board of directors shall not create a sinking fund, in respect of any series, unless provisions for a sinking fund, at least as beneficial to all issued and outstanding shares of the same class, shall either then exist or be at the same time created.

(7) If the articles of incorporation or amendments thereto authorize the issuance of a class or classes of securities in series and expressly vest authority in the board of directors to divide any or all of such classes into series and to fix and determine the number of shares of such series, the rate of dividend, the price at, and the terms and conditions on, which shares may be redeemed, the amount payable upon shares in the event of voluntary or involuntary liquidation, provisions for sinking funds, purchase funds, and redemption of shares, or the terms and conditions on which the shares may be converted in the event the shares of any series are issued with the privilege of conversion, a

general description of any such class of shares indicating the provisions left to be fixed and determined by the board of directors shall be deemed to be a sufficient description and designation of the powers, purposes, and rights, qualifications, limitations, and restrictions within the requirements of Chapter 271 of Kentucky Revised Statutes.

(8) Prior to the issuance of any shares of a series established by resolution adopted by the Board of Directors, the corporation shall prepare a certificate in triplicate originals setting forth: (1) the name of the corporation, (2) the resolution establishing and designating the series and fixing and determining the relative rights and preferences thereof, (3) the date and manner of adoption of such resolution. Such statement shall be signed and acknowledged and filed with the Secretary of State and the Clerk of the County Court of the county in which the registered office of the corporation is located in the same manner as articles of amendment are required to be signed and acknowledged and filed under Kentucky Revised Statutes, Section 271.450. If the Secretary of State finds that such statement conforms to law and the articles of the corporation, and when all fees have been paid as required by law, he shall endorse his approval thereon and shall issue to the corporation, or its representative, the approved statement and shall make and retain a copy thereof. Upon the approval of such statement by the Secretary of State, the resolution establishing and designating the series and fixing and determining the relative rights and preferences thereof shall become effective.

2. WHEREAS, important expansion of Kentucky industries is being delayed by inadequate provisions in the Kentucky Corporation Law for the issuance of shares in series to finance such expansion.

NOW, THEREFORE, in order to prevent slowing down and delay in such expansion, an emergency is declared to exist and this act shall take effect upon its passage and approval by the Governor.

By Senator Reynolds.

S. B. No. 260. AN ACT relating to stenographers for county judges.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 25.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) In all counties having a population of 200,000 or over, and in all counties containing a city of the second, third, fourth or fifth class, the county judge may appoint a stenographer for a term of four years. He may remove the stenographer at any time.

(2) Notwithstanding the provisions of KRS 64.530 or any other statute to the contrary relative to the fixing of compensation of county employes, the county judge may fix the compensation of his stenographer within the limits prescribed by KRS 64.620.

Ordered that said bills be printed and referred to the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Honorable Emerson Beauchamp, Chairman of the Committee on Rules, to which same had been referred previously, reported bills and a resolution of the following titles, viz:

H. B. No. 256. AN ACT relating to Grade Crossings in Counties Containing A City of the First Class.

S. Res. No. 33. RESOLUTION directing the Governor to proclaim the week including November 19, 1952, "George Rogers Clark Bicentennial Memorial Week" in honor of General Clark on the two-hundredth anniversary of his birth; and authorizing the appointment of a committee to plan and execute a program to memorialize General Clark on that occasion.

S. B. No. 255. AN ACT relating to places of entertainment.

S. B. No. 232. AN ACT relating to waterworks' boards.

S. B. No. 141. AN ACT concerning licensing of motor vehicles.

With the expression of opinion that same should pass.

Whereupon said bills and resolution were read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 402. AN ACT relating to the office of sheriff and to the payment and collection of taxes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 403. AN ACT relating to depositories of state funds and moneys; amending KRS 41.240.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 257. AN ACT relating to notaries public.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 258. AN ACT relating to administration and control of alcoholic beverages.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 24. AN ACT relating to state aid for district tuberculosis sanatoria, amending section 215.320 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 247. AN ACT relating to strip or open pit mining, and the conservation of natural resources as affected thereby.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill, with amendment by way of com. substitute of the following title, viz:

H. B. No. 63. AN ACT relating to Actions for Libel or slander amending Section 411.050 of the Kentucky Revised Statutes.

Ordered that said bill, with amendment by way of committee sub. be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill, with amendment by way of Committee Sub. be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill, with amendment by way of Committee Sub. having been dispensed with, said bill, with amendment by way of Committee Sub. was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 64. AN ACT relating to disclosure of sources of information published by newspapers, radio and television stations amending section 421.100 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 61. AN ACT relating to the equipment of rail track cars used or furnished by common carriers by railroad for

transporting employes; providing for the extension of necessary time in which to equip said cars; and penalizing those carriers who operate or furnish for operation such unequipped cars to their employes for transportation to or from their place or places of labor.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill, with Committee Amendments, of the following title, viz:

H. B. No. 119. AN ACT relating to salaries of mayors and commissioners. (With amendment)

Ordered that said bill, with Committee Amendments, be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill, with Committee Amendments, be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill, with Committee Amendments, having been dispensed with, said bill, with Committee Amendments, was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 175. AN ACT concerning equipment of vehicles.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 246. AN ACT relating to the payment of wages of deceased employes without administration.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 87. AN ACT authorizing water districts to acquire, develop, maintain and operate gas systems.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 326. AN ACT relating to eminent domain.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 125. AN ACT relating to common schools with particular reference to entrance age requirements.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 133. AN ACT relating to the disposition of fines and forfeitures resulting from convictions for violations of the provisions of sections 189.221, 189.222 and 189.270 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 171. AN ACT relating to labor organizations.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 228. AN ACT relating to the qualifications and licensing of dentists.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 237. AN ACT relating to collection of taxes in fifth-class cities.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 368. AN ACT appropriating money out of the General Expenditure Fund for the fiscal year ending June 30, 1952, for expenses of sessions of the General Assembly, and declaring an emergency to exist.

Senator R. P. Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator R. P. Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	William J. Sample
Bernard J. Bonn	Bert Kiser	Clay Shackleford
Eugene H. Clark	James Lassiter	Cortis K. Stacy
Augustus Cornett	Homer E. Losey	Paul Stapleton
Louis Cox	James R. Mansfield	Otis C. Thomas
Archie Craft	Earl F. Martin	Wendell Van Hoose
Ernest M. Ford	Strother Melton	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warinner
Julian Golden	O. W. Montgomery	John M. Williams
Doug Hays	Jack R. Reynolds	E. V. Withers
Dr. J. E. Johnson	Freeman Robinson	—32

Resolved that the title thereof be as aforesaid.

Senator R. P. Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then

took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 369. AN ACT relating to the Division of Publicity, amending KRS 146.060.

Senator R. P. Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator R. P. Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Cortis K. Stacy
Augustus Cornett	James Lassiter	Paul Stapleton
Louis Cox	Homer E. Losey	Otis C. Thomas
Archie Craft	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warinner
Julian Golden	O. W. Montgomery	John M. Williams
Doug Hays	Freeman Robinson	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator R. P. Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 245. AN ACT providing for the establishment, construction, maintenance and operation of regional schools.

Senator Ollie Montgomery moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator R. P. Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Richard P. Moloney
Bernard J. Bonn	Dr. J. E. Johnson	O. W. Montgomery
Eugene H. Clark	Bert Kiser	Jack R. Reynolds
Augustus Cornett	Homer E. Losey	William J. Sample
Louis Cox	James R. Mansfield	Clay Shackleford
Archie Craft	Earl F. Martin	Leon Shaikun
Wayne Freeman	Strother Melton	Cortis K. Stacy

Paul Stapleton	Sylvester Wagner	John M. Williams
Otis C. Thomas	Ed P. Warinner	E. V. Withers
Wendell Van Hoose		–28

There voted in the negative–

Julian Golden –1

Resolved that the title thereof be as aforesaid.

Senator R. P. Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 53. AN ACT concerning changes in the provisions concerning the involuntary dissolution of private corporations.

Senator Leon J. Shaikun moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator R. P. Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Eugene H. Clark	Bert Kiser	Clay Shackleford
Augustus Cornett	Homer E. Losey	Leon Shaikun
Louis Cox	James R. Mansfield	Cortis K. Stacy
Archie Craft	Earl F. Martin	Paul Stapleton
Ernest M. Ford	Strother Melton	Wendell Van Hoose
Wayne Freeman	O. W. Montgomery	Sylvester Wagner
Doug Hays	Jack R. Reynolds	John M. Williams
Dr. J. E. Johnson	Freeman Robinson	E. V. Withers
Alvin Kidwell	William J. Sample	—26

There voted in the negative—

Otis C. Thomas —1

Resolved that the title thereof be as aforesaid.

Senator R. P. Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

HOUSE MESSAGE

A message was received from the House announcing that the House had refused to concur in an amendment passed and adopted by the Senate to a bill which originated in the House of the following title, viz:

H. B. No. 14. AN ACT relating to elections, both regular and primary, with particular relation to the hours the polls are to be open, and the hour the board of election commissioners shall meet for the purpose of counting the ballots.

And respectfully requested the Senate to recede from same, and to concur in the following amendment adopted by the House to said bill, viz:

"This Act shall be known as the Hilton-Warinner Act."

The message which was received from the House further announced that the House had passed a Bill which originated in that body of the following title, viz:

H. B. No. 415. AN ACT relating to banking.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Commissioner" means Commissioner of Banking.

(2) "State bank" means a bank or trust company organized under the provisions of Chapter 287 of the Kentucky Revised Statutes.

(3) "National banking association" means one or more national banking associations.

Section 2.

(1) A national banking association may convert into or merge with a State bank under a State charter, provided that:

(a) The action taken complies with Federal law;

(b) In the case of a merger, the institutions to be merged are located in the same city or county.

(2) In the case of each conversion, a written plan of conversion shall be submitted, in duplicate, to the Commissioner. Such plan shall be in form satisfactory to the Commissioner, shall prescribe the terms and conditions of the conversion and the mode of carrying it into effect, and shall have annexed thereto and forming a part thereof the proposed articles of incorporation of the State bank which is to result from the conversion. Such articles of incorporation shall be in the form prescribed by law for the organization of State banks, with such variations, if any, as shall be satisfactory to the Commissioner. With such plan of conversion there shall be submitted, in duplicate, to the Commissioner a certificate of the president, secretary or cashier of the national banking association certifying that all steps have have been taken which are necessary under Federal law to the consummation of the conversion. The Commissioner shall approve or disapprove such plan of conversion within sixty days of the submission thereof to him. If the Commissioner shall approve such plan, he shall file one duplicate thereof, together

with one duplicate of such certificate submitted therewith and the original of the approval of the Commissioner, in the office of the Commissioner, and the other duplicate of such plan, together with a duplicate of such certificate and a duplicate of the Commissioner's approval, shall be filed in the office of the Clerk of the County in which the principal office of the State bank is to be located. After such filing in the office of the Commissioner, the conversion shall become effective upon the the filing and recording of the articles of incorporation as provided in Section 287.050 of the Kentucky Revised Statutes, unless a later date is specified in the plan, in which event the conversion shall become effective upon such later date.

(3) In the case of each merger, a written plan of merger shall be submitted, in duplicate, to the Commissioner. Such plan shall be in form satisfactory to the Commissioner and shall prescribe the terms and conditions of the merger and the mode of carrying it into effect. Such plan may provide the name to be borne by the State bank, as receiving corporation, if such name is to be changed. Such plan may also name the persons who shall constitute the first board of directors of the State bank after the merger shall have been accomplished, provided that the number and qualifications of such persons shall be in accordance with the provisions of Chapter 287 of the Kentucky Revised Statutes relating to the number and qualifications of directors of a State bank; or such plan may provide for a meeting of the stockholders to elect a board of directors within sixty days after such merger, and may make provision for conducting the affairs of the State bank meanwhile. With such plan of merger there shall be submitted, in duplicate, to the Commissioner the following:

(a) By the national banking association, a certificate of the president, secretary or cashier of such association certifying that all steps have been taken which are necessary under Federal law to the consummation of their merger;

(b) By the State bank, a certificate of the president, secretary or cashier certifying that such plan of merger has been approved by the board of directors of the State bank by a majority vote of all the members thereof, that such plan has

been submitted to the stockholders of the State bank at a meeting thereof held upon notice of at least fifteen days, specifying the time, place and object of such meeting and addressed to each stockholder at the address appearing upon the books of the State bank and published for at least two successive weeks in one newspaper in the county in which the State bank has its principal place of business, and that such plan of merger has been approved at such meeting by the vote of the stockholders owning at least two-thirds in amount of the stock of the State bank.

The Commissioner shall approve or disapprove such plan of merger within sixty days of such submission thereof to him. If the Commissioner shall approve such plan, he shall file one duplicate thereof, together with one duplicate of each of such certificates and the original of the approval of the Commissioner, in the office of the Commissioner, and the other duplicate of such plan, together with a duplicate of each of such certificates and a duplicate of the Commissioner's approval, shall be filed in the office of the Clerk of the County in which the principal office of the State bank is to be located. Upon such filing in the office of the Commissioner, the merger shall become effective, unless a later date is specified in the plan, in which event the merger shall become effective upon such later date.

(4) At the time when such conversion or merger becomes effective:

(a) The resulting State bank shall be considered the same business and corporate entity as the national banking association, although as to rights, powers and duties, the resulting bank is a State bank;

(b) All of the property, rights and powers and franchises of the national banking association shall vest in the resulting State bank and the resulting State bank shall be subject to and deemed to have assumed all of the debts, liabilities, obligations and duties of the national banking association and to have succeeded to all of its relationships, fiduciary or otherwise, as fully and to the same extent as if such property, rights, powers, franchises, debts, liabilities, obligations, duties and relationships had been originally acquired, incurred or entered into by the result-

ing State bank; provided, however, that the resulting State bank shall not, through such conversion or merger, acquire power to engage in any business or to exercise any right, privilege or franchise which is not conferred by the provisions of Chapter 287 of the Kentucky Revised Statutes upon such resulting State bank;

(c) Any reference to the national banking association in any contract, will or document, whether executed or taking effect before or after the conversion or merger, shall be considered a reference to the resulting State bank if not inconsistent with the other provisions of the contract, will or document;

(d) A pending action or other judicial proceeding to which the national banking association is a party, shall not be deemed to have abated or to have discontinued by reason of the conversion or merger, but may be prosecuted to final judgment, order or decree in the same manner as if the conversion or merger had not been made; or the resulting State bank may be substituted as a party to such action or proceeding, and any judgment, order or decree may be rendered for or against it that might have been rendered for or against the national banking association if the conversion or merger had not occurred.

Section 3.

(1) A State bank may convert into, or merge or consolidate with, a national banking association under the charter of a national banking association in the manner provided by Federal law and without approval of any State authority.

(2) The franchise of a State bank as a State bank shall automatically terminate when its conversion into or its merger or consolidation with a national banking association under a Federal charter is consummated and the resulting national banking association shall be considered the same business and corporate entity as the State bank, although as to rights, powers and duties the resulting bank is a national banking association.

(3) At the time when such conversion, merger or consolidation becomes effective:

(a) All of the property, rights, powers and franchises of the State bank shall vest in the national banking association and

the national banking association shall be subject to and be deemed to have assumed all of the debts, liabilities, obligations and duties of the State bank and to have succeeded to all of its relationships, fiduciary or otherwise, as fully and to the same extent as if such property, rights, powers, franchises, debts, liabilities, obligations, duties and relationships had been originally acquired, incurred or entered into by the national banking association;

(b) Any reference to the State Bank in any contract, will or document, whether executed or taking effect before or after the conversion, merger or consolidation, shall be considered a reference to the national banking association if not inconsistent with the other provisions of the contract, will or document;

(c) A pending action or other judicial proceeding to which the State bank is a party, shall not be deemed to have abated or to have discontinued by reason of the conversion, merger or consolidation, but may be prosecuted to final judgment, order or decree in the same manner as if the conversion, merger or consolidation had not been made; or the national banking association may be substituted as a party to such action or proceeding, and any judgment, order or decree may be rendered for or against it that might have been rendered for or against the State bank if the conversion, merger or consolidation had not occurred.

Section 4. The methods and procedures set out in this Act are authorized in addition to any other methods or procedures for the accomplishment of the same or similar purposes which heretofore may have been established by law. It is the purpose of this Act to make effective in this Commonwealth the provisions and purposes of the Act of Congress dated August 17, 1950, which is compiled as Chapter 729 of Volume 64 of the United States Statutes, and as 12 U.S.C.A. Sec. 214.

Section 5. WHEREAS, a number of banks have expressed an interest in availing themselves of the privileges established by the Federal Act and this Act, and the availability of such privileges will be beneficial to the financial structure of this Commonwealth,

NOW, THEREFORE; a emergency is declared to exist and this Act shall take effect from and after its passage and approval by the Governor, or from and after such time as this Act becomes effective without the approval of the Governor.

Ordered that said bill be printed and referred to the Rules Committee.

A message which was received from the House of Representatives further announced that they had passed a bill which originated in the Senate of the following title, viz:

S. B. No. 147. AN ACT relating to the control and suppression of air pollution; creating an air pollution control district in each county of the Commonwealth; providing procedure by which, and conditions under which, a district may be activated and organized; providing for the names and general and specific powers of the districts; providing for an air pollution control board and a hearing board for each district; providing for the powers and duties of such boards, and for the appointment, powers and duties of officers and employees of the districts; providing generally ways and means to effect the purposes of this Act; authorizing appropriations to the districts by counties and cities of the first and second classes; prohibiting the emission of smoke and other air contaminants of a greater density or opacity than those standards established herein; prohibiting the emission of other air contaminants under conditions described herein; declaring that the general assembly does not intend to occupy the field; specifying what are violations of this Act; affording injunctive relief against certain violations; providing for the penalties to be imposed upon violators of this Act; providing for appeals to the courts of the Commonwealth; and declaring an emergency to exist.

With House amendments as follows, viz:

AMENDMENTS TO S. B. No. 147

Amendment No. 1 on page 12, Section 22, Line 8

Strike the word "officers" and substitute the word "offices" in lieu thereof.

Amendment No. 2 on page 6, Section 13, Line 2

Strike word "of" and substitute the word "by" so that the latter part of the sentence will then read "resolution by the fiscal court".

Amendment No. 3 on page 29, Section 70, line 6 and 7

After the word "of" on line 6 strike the remainder of the line and all of line 7 and substitute the following in lieu thereof:

"A resolution by the fiscal court and the passage of an ordinance by the legislative body of a city of"

Amendment No. 4 on page 18, Section 37, line 10

Strike the word "of" and substitute the word "on" in lieu thereof.

Amendment No. 5 on page 23, Section 50 (2), line 15

Strike "the contract" and substitute in lieu thereof "such contracts."

Amendment No. 6 on page 23, Section 53, line 2

Omit the comma after the word "holder" and insert it after the word "of" so that the latter part of that line will then read as follows:

"or holder of, any permit."

Amendment No. 7 on page 24, Section 59, line 4

Strike word "a".

Amendment No. 8 on page 29, Section 68, line 19

Change the word "with" to "within"

Amendment No. 9 on page 33-40

By striking there from pages 33 through 40 in their entirety.

In which the House respectfully asks the Senate to concur.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 244. AN ACT relating to the use of recording devices in circuit courts and authorizing their purchase.

Senator Shackelford moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator R. P. Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	James R. Mansfield	Leon Shaikun
Bernard J. Bonn	Earl F. Martin	Cortis K. Stacy
Eugene H. Clark	Strother Melton	Paul Stapleton
Louis Cox	Richard P. Moloney	Wendell Van Hoose
Julian Golden	O. W. Montgomery	Sylvester Wagner
Alvin Kidwell	Jack R. Reynolds	John M. Williams
Bert Kiser	Freeman Robinson	E. V. Withers
James Lassiter	William J. Sample	
Homer E. Losey	Clay Shackleford	—25

There voted in the negative—

Otis C. Thomas —1

Resolved that the title thereof be as aforesaid.

Senator R. P. Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the Senate do now adjourn until 2:00 p. m., Tuesday, March 11, 1952.

Said motion was agreed to.

And then the Senate adjourned.

TUESDAY, MARCH 11, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend E. W. Baxter, Pastor of the Episcopal Church of Frankfort.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Otis C. Thomas
Ernest M. Ford	Earl F. Martin	Wendell Van Hoose
Wayne Freeman	C. W. A. McCann	Sylvester Wagner
Julian Golden	Strother Melton	Ed P. Warinner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
W. Thomas Hines	Jack R. Reynolds	—38

Senator Shaikun moved that the reading of the Journal of the Senate of the proceedings for Monday, March 10, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Senator Duffy.

Senate Bill No. 261. AN ACT relating to trespass by aircraft.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That any person or persons operating any plane or other aircraft for hire and landing such aircraft upon any public property of the State, or of a County or of a municipal corporation or of any political subdivision of any of them, without any contractual right to do so, shall be punished by imprisonment for not more than ninety days or a fine of not more than one hundred dollars or both.

AN EMERGENCY hereby is declared to exist, and this Act shall become effective from and after its passage and approval by the Governor.

By Senator Warinner.

S. B. No. 262. AN ACT concerning the amount of retirement allowances to teachers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of Chapter 161 of the Kentucky Revised Statutes is hereby created to read as follows:

Notwithstanding any provision of KRS 161.620, any living retired member of the Teachers' Retirement System of the State of Kentucky and any member thereof who retires subsequent to the effective date of this Act who has taught in the public schools of this state for fifty or more years shall be paid a retirement allowance of $100 per month.

By Senator McCann.

S. B. No. 263. AN ACT relating to the sale or offering for sale of soap, disinfectant, detergent, liquid wax, floor cleaner, toilet bowl cleaner, scouring powder or other sanitary chemicals.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, the term "soap" shall include soap powder, soap chips, bar soap, liquid soap or any other substance advertised or represented to be a soap product.

Section 2. No person shall sell or offer for sale in any type or size package or container any soap, disinfectant, detergent, liquid wax, floor cleaner, toilet bowl cleaner, scouring powder or other sanitary cleaner unless the package or container shall have printed or marked thereon, in letters and figures clearly legible, the net weight, exact ingredients contained therein, and the name and address of the actual manufacturer.

Section 3. Any person who violates any of the provisions of this Act shall be fined not less than fifty dollars nor more than two hundred dollars.

Ordered that said bills be printed and referred to the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Honorable Emerson Beauchamp, Chairman of the Committee on Rules, to which same had been referred previously, reported a bill of the following title, viz:

H. B. No. 415. AN ACT relating to banking.

With the expression of opinion that same should pass.

Thereupon said bill was read at length for the first time and

Ordered placed in the calendar.

HOUSE MESSAGE

A message which was received from the House of Representatives announced that they had passed bills which originated in the Senate of the following titles, viz:

S. B. No. 158. AN ACT relating to the distribution of In-Lieu Payments made by the Tennessee Valley Authority.

S. B. No. 210. AN ACT relating to the transfer of the Division of Child Welfare to the Kentucky Children's Bureau within the Deparrtment of Welfare, and services to needy children.

S. B. No. 212. AN ACT relating to pleading, practice and procedure in civil actions and criminal proceedings.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

A message was received from the House of Representatives announcing that they had passed bills and resolutions which originated in that body of the following titles, viz:

H. B. No. 76. AN ACT relating to the compensation of county tax commissioners.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (6) of Section 132.590 of the Kentucky Revised Statutes is amended to read as follows:

The county tax commissioner shall not retain any part of the compensation allowed his deputies for more than thirty days, nor shall he receive for his personal services incident to any assessment more than $7,200. However, the maximum compensation for any county tax commissioner shall not exceed the highest compensation, including salary and fees, approved by the fiscal court for any other county official.

H. B. No. 77. AN ACT relating to the office of county tax commissioner.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (4) of Section 132.590 of the Kentucky Revised Statutes is amended to read as follows:

In the year 1954 and thereafter, the compensation of the county tax commissioner shall be computed on the basis of ten cents on each one hundred dollars of the first two million dollars and two cents on each one hundred dollars of the excess over two million dollars of the annual assessment. In counties in which the assessed value of property exceeds eight million dollars, the county tax commissioner shall be allowed by the state as compensation to his deputies and for other authorized expenditures two cents on each one hundred dollars of the property assessed in excess of eight million dollars but the total sum allowed to any county tax commissioner as deputy hire and for other authorized expenditures shall not exceed twenty thousand dollars in any county except in a county having a city of the first class, which shall be governed by KRS 132.630.

H. B. No. 179. AN ACT relating to cattle or any species thereof running at large.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No cattle shall be permitted to run at large on right of ways, or inclosed lands, when the fencing of such lands is opened for the construction or reconstruction of any part of the primary system of state highways until the work is completed and accepted by the Department of Highways.

Section 2. (1) Any county may, by an election held under Section 3, prohibit cattle or any species of cattle from running at large in the county.

(2) No election shall be held under Section 3 in any county in which an election under that section has been held within the preceding four years.

Section 3. Upon the petition of one hundred voters of any

county, filed in the county court of that county, asking a submission of the question whether cattle or certain named species of cattle shall be permitted to run at large in the county, the county court shall direct the sheriff and the officers of election in the county to open a poll at the next regular election held not less than sixty days after the filing of the petition, for the purpose of ascertaining the will of the voters upon the question whether or not they are in favor of prohibiting cattle or any species of cattle from running at large in the county.

Section 4. No election shall be ordered under Section 3, unless the petitioners deposit with the county court, at the time the petition is filed, an amount sufficient, in the judgment of the court, to defray the expenses of the election.

Section 5. (1) The question shall not be submitted unless notice is published twenty days before the election in at least four issues of the newspaper published in the county, if there is one, having the largest bona fide circulation in the county. If there is no newspaper published in the county, notice shall be given by posting notices of the election on the courthouse door or the bulletin board for the courthouse, and in four public places in each precinct in which the election is to be held, at least twenty days before the election.

(2) The notices shall state whether it is proposed to prohibit the running at large of cattle generally or only certain named species of cattle.

Section 6. When an election is ordered under Section 3, the county clerk shall have printed on the ballots for each precinct in which a vote is to be taken the question: "Are you in favor of making it unlawful for cattle (or the species thereof designated in the petition) to run at large on the public highways and uninclosed lands of _____county?

Section 7. The poll of elections held under Section 3 shall be compared and the result announced in the manner, at the time and by the person authorized to compare the polls and declare the results in elections held for county offices. The result shall be spread upon the records of the county court at its next regular term held after the result is declared.

Section 8. (1) If a majority of those voting upon the question stated in Section 6 vote "No," paragraphs (a), (b) and (c) of subsection (2) shall not go into effect in the county where the vote is taken.

(2) If a majority of those voting vote "Yes," paragraphs (a), (b) and (c) of this section shall apply.

(a) No person, after thirty days following the election, shall permit any cattle or the species of cattle named in the petition, owned by him or under his control or in his custody, to run at large in the county.

(b) If any damage is committed by cattle in the county, the owner of the cattle shall be liable for all damages, whether the place where the damages occurred is inclosed by lawful fence or not. The person damaged shall have a lien on the cattle committing the damage for the amount of the damage and cost of suit.

(c) Any constable, sheriff or city marshal shall impound any cattle found running at large in the county and the owner or bailee of the cattle shall pay to the officer impounding, for each head impounded, one dollar and the cost of feeding and taking care of the cattle, but the cost of impounding any number of cattle at any one time shall not exceed three dollars and the cost of feeding. The officer shall have a lien on the cattle impounded for his fees and expenses, which he may enforce in the same manner in which mortgage liens are enforced.

Section 9. In any prosecution for a violation of subsection (2) (a) of Section 8, it shall not be necessary to allege that an election was held, or any other step relative to an election was undertaken, but the indictment, warrant or information may simply state that the act charged was committed in a territory where subsection (2) (a) of Section 8 was in force.

Section 10. Section 259.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates subsection (2) (a) of Section 8 shall be fined not less than five dollars nor more than twenty-five dollars.

(2) Any person who violates any of the provisions of KRS 259.110 to 259.140 shall be fined ten dollars.

(3) Any person who violates KRS 259.150 shall be fined fifty dollars.

(4) Any person who violates KRS 259.200 shall be fined not less than ten dollars nor more than one hundred dollars, and each head of cattle trespassing shall constitute a separate offense.

Section 11. Section 259.210 of the Kentucky Revised Statutes is repealed.

H. B. No. 250. AN ACT increasing the allowance for pauper idiots.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 203.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) A person having the care, custody or charge of an idiot may by filing with the Department of Finance a certified copy of the inquest and the order of the court adjudging an idiot to be a pauper, have an allowance to a pauper idiot of not more than one hundred and fifty dollars per annum to be paid as follows:

(a) One-half of the allowance shall be certified by the court holding the inquest to the Department of Finance for payment out of the State Treasury;

(b) One-half of the allowance shall be allowed and certified for payment by the court holding the inquest to the fiscal court of the county in which the inquest is held.

(2) If the idiot dies or ceases to be a pauper, a proportionate part of the allowance from the anniversary date of the allowance to the day of his death or his ceasing to be a pauper, may be paid.

H. Res. No. 49. A JOINT RESOLUTION providing for the payment of compensation for services rendered and expenses incurred in connection with and related to the present session of the General Assembly; appropriating money from the Legislative Session Fund for the purposes of such compensation; providing for the distribution of the money so appropriated; and declaring an emergency.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. There is appropriated out of the Legislative Session Fund a sufficient sum of money to enable the payment of compensation, at the rate of $3 per day each, during the period of the present session of the General Assembly, to Noel Jones, Robert Crews, Kelly Gilbert, Adrain Slucher, James L. Weber, James B. West, Willard Wingate, Mrs. Louise Johnson, Roy Milton, Eugene Calvert, Sam Penn, Edward Quire, O. C. Woodside, Ollie Jackson, Gayle Givens, and Myrtle V. Atha for extra services performed overtime actually worked, in the operation and maintenance of the State Capitol and its various facilities, which extra services and extra hours were made necessary by reason of attendance upon the members of the General Assembly at both the day and night sessions and committee meetings thereof, and at other times.

2. The Chief Clerk of the House of Representatives shall requisition, and the Commissioner of Finance shall draw his warrant upon the State Treasurer in favor of said Chief Clerk for, the sum hereby appropriated. The Chief Clerk shall forthwith distribute said sum in the manner contemplated by this Resolution.

3. WHEREAS, the General Assembly will within a short time adjourn and the officers and employes will depart for various sections of the state, an emergency is declared to exist and this Resolution shall be effective from and after its passage and approval by the Governor.

H. Res. No. 50. A JOINT RESOLUTION for the benefit

of officers and employes of the Senate and the House of Representatives; and declaring an emergency.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there is hereby appropriated from the Legislative Session Fund additional allowances to cover necessary expenses for the following employes and officers of the Senate and House of Representatives, viz: Enrolling Clerks, Sergeant-at-Arms, Doorkeepers, Cloakroom Keepers, Janitors and Pages, to that compensation provided in KRS 6.230, the sum of eighteen thousand, four hundred and twenty-six dollars ($18,426.00).

Section 2. That the Chief Clerk of the Senate shall requisition and the Commissioner of Finance shall draw a warrant for the sum of $8,658.00 on the State Treasurer of the Commonwealth of Kentucky in favor of the Chief Clerk of the Senate. Such Chief Clerk shall forthwith distribute such expense allowances on the basis of the number of days that such employes and officers served during the regular session of the General Assembly in the year 1952, the rate per day being computed by said Chief Clerk and the Committee on Committees of the Senate on a pro rata basis of the amounts authorized to be paid them by KRS 6.230.

Section 3. The Chief Clerk of the House of Representatives shall requisition and the Commissioner of Finance shall draw a warrant for the sum of $9,768.00 on the State Treasurer of the Commonwealth of Kentucky in favor of the Chief Clerk of the House of Representatives. Such Chief Clerk shall forthwith distribute to the employes and officers of the House of Representatives such expense allowances on the basis of the number of days that such employes and officers served during the regular session of the General Assembly in 1952, the rate per day to be computed by the said Chief Clerk and the Committee on Committees of the House of Representatives on a pro rata basis of the amounts authorized to be paid them by KRS 6.230.

Section 4. All Acts or parts of Acts in conflict herewith to the extent of such conflict are hereby repealed.

Section 5. WHEREAS, the General Assembly will within a short time adjourn and the employes and officers will depart for various sections of the state, an emergency is hereby declared to exist, and this resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth.

H. Res. No. 51. A JOINT RESOLUTION providing for payment of ministers of the churches of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That the sum of one thousand fifty dollars ($1,050.00) is hereby appropriated out of the Legislative Session Fund, one hundred and fifty dollars ($150.00) of which is to be paid to each of the following named ministers of Frankfort, Kentucky, for performing the duties of Chaplain for the General Assembly.

W. B. Campbell, H. Glenn Stephens, E. W. Baxter, W. P. Wilhoyte, Fred T. Moffatt, Father Joseph A. O'Dwyer, O. Leland Gilmore and Paul S. Stauffer.

Section 2. That the Chief Clerk of the Senate shall certify this Resolution to the Commissioner of Finance, who shall draw his warrant upon the State Treasurer for the amounts above designated and the State Treasurer shall pay the same.

WHEREAS, all employes of the General Assembly have been promptly paid for their services and said ministers have been faithful in attending as chaplain, and are also entitled to prompt payment, an emergency is hereby declared to exist and this Resolution shall take effect from and after its passage and approval by the Governor.

H. Res. No. 58. A RESOLUTION requesting the Department of Highways to relieve the dangerous traffic conditions existing on Highway 25-42 in Kenton County.

Said resolution is as follows, viz:

A RESOLUTION requesting the Department of Highways to relieve the dangerous traffic conditions existing on Highway 25-42 in Kenton County.

Whereas, Highway 25-42 in Kenton County presently contains many curves and other dangerous conditions; and

Whereas, those dangerous traffic conditions are being greatly added to by the increasing amount of traffic on Highway 25-42; and

Whereas, within the past few days five persons have lost their lives and numerous others have been injured in accidents on this highway; and

Whereas, it is probable that many other persons will be injured or killed on Highway 25-42 unless immediate steps are taken to eliminate the dangerous traffic conditions thereon,

NOW THEREFORE

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Department of Highways is urged to undertake immediate construction of the contemplated new super-highway which will substantially relieve the dangerous traffic conditions existing on Highway 25-42, or, in lieu of the construction of a new highway, by reconstructing Highway 25-42 in Kenton County to remove those physical characteristics, such as curves and narrow traffic lanes, which now result in dangerous traffic hazards.

H. Res. No. 59. A JOINT RESOLUTION expressing the gratitude of the General Assembly of the Commonwealth of Kentucky for the hospitality and cooperation of the Officers of the State of Mississippi in providing information concerning the automatic roll call system to the joint committee of the General Assembly of the Commonwealth of Kentucky.

Said resolution is as follows, viz:

HOUSE RESOLUTION NO. 59.

A JOINT RESOLUTION expressing the gratitude of the General Assembly of the Commonwealth of Kentucky for the hospitality and cooperation of the officers of the State of Mississippi in providing information concerning the automatic roll-

call system to the joint committee of the General Assembly of the Commonwealth of Kentucky.

Whereas, the General Assembly of the Commonwealth of Kentucky, being desirous of obtaining information concerning the advisability of procuring an automatic roll-call system for use in said General Assembly, designated a committee composed of senators and representatives of said General Assembly to conduct a study of the use of such roll-call systems in use in other states; and

Whereas, the State of Mississippi has in operation in its Legislature an automatic roll-call system of the type contemplated for use in the General Assembly of the Commonwealth of Kentucky; and

Whereas, on a visit by the joint committee of the General Assembly of the Commonwealth of Kentucky to the State of Mississippi, the Governor, the Lieutenant Governor, the Speaker of the House of Representatives and the members of the Legislature of the State of Mississippi extended every courtesy and much hospitality to the members of said committee and provided said committee with all available information concerning the automatic roll-call system in use in the Mississippi Legislature; and

Whereas, the courtesy, hospitality and information given by the officers of the State of Mississippi aforementioned has been of material assistance to the said joint committee in the performance of its assigned duty;

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That this Joint Resolution serve as an expression of gratitude of the General Assembly of the Commonwealth of Kentucky to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives and the members of the Legislature of the State of Mississippi for the courtesy and hospitality extended by them to the members of the joint committee of the General Assembly of the Commonwealth of Kentucky

and for the assistance given by them to the members of said joint committee in the study of the automatic roll-call system in use in the State of Mississippi.

Section 2. That a true copy of this Joint Resolution be sent to the Secretary of State of the State of Mississippi.

Ordered that said bills and resolutions be printed (with the exception of H. Res. No. 59) and referred.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 141. AN ACT concerning licensing of motor vehicles.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 232. AN ACT relating to waterworks' boards.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second

reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 255. AN ACT relating to places of entertainment.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 256. AN ACT relating to Grade Crossings in Counties Containing a City of the First Class.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

S. Res. No. 33. RESOLUTION directing the Governor to proclaim the week including November 19, 1952, "George Rogers Clark Bicentennial Memorial Week" in honor of General Clark on the two-hundreth anniversary of his birth; and authorizing the appointment of a committee to plan and execute a program to memorialize General Clark on that occasion.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 251. AN ACT relating to persons convicted of a crime while serving sentences in the State Penal Institutions.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	James R. Mansfield	Otis C. Thomas
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Ernest M. Ford	C. W. A. McCann	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warinner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
W. Thomas Hines	Jack R. Reynolds	
Stanley Hoffman	Freeman Robinson	—37

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill of the following title, viz:

H. B. No. 14. AN ACT relating to elections, both regular and primary, with particular relation to the hours the polls are to be open, and the hour the board of election commissioners shall meet for the purpose of counting the ballots.

Senator Moloney moved that, in response to a request from the House, the Senate do now recede from its action on its amendment to title.

Said motion was agreed to.

Senator Moloney moved that the Senate do now waive its

rights of seniority and adopt the House amendment to title of said bill.

Said house amendment to title is as follows, viz:

By adding to the title the following language:

"This Act shall be known as the Hilton-Warinner Act."

Said motion was agreed to.

Thereupon said house amendment to title was agreed to.

Senator Moloney moved the Previous Question on House Bill 14, with House Amendment to title.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

The yeas and nays being taken on the passage of said bill, with amendment to title, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	W. Thomas Hines	Freeman Robinson
Bernard J. Bonn	Stanley Hoffman	William J. Sample
Eugene H. Clark	Dr. J. E. Johnson	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	Alvin Kidwell	Cortis K. Stacy
Archie Craft	James Lassiter	Paul Stapleton
Martin J. Duffy	Homer E. Losey	Otis C. Thomas
Ernest M. Ford	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Earl F. Martin	Sylvester Wagner
James P. Hanratty	C. W. A. McCann	Ed P. Warinner
Doug Hays	O. W. Montgomery	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample of the Committee on Enrollment reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

H. B. No. 60. AN ACT relating to the licensing of motor vehicles.

H. B. No. 137. AN ACT relating to the practice of medicine and osteopathy.

H. B. No. 144. AN ACT relating to public health.

H. B. No. 154. AN ACT relating to service and sale of natural gas to owners of property where gas wells or gas pipe lines are located.

H. B. No. 196. AN ACT relating to public printing, amending Sections 57.045, 57.060, 57.090, 57.180 and 57.250 and repealing Sections 57.080 and 57.260 of the Kentucky Revised Statutes.

H. B. No. 280. AN ACT relating to the use of professional titles.

H. B. No. 278. AN ACT relating to the bank night awards tax.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate affixed his signature thereto.

Ordered that the Chief Clerk of the Senate deliver the original and enrolled copies of said bills to the Enrolling Clerk of the House.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

At the instance of the Rules Committee, the Senate took up from the Orders of the Day a bill of the following title, viz:

S. B. No. 147. AN ACT relating to the control and suppression of air pollution; creating an air pollution control district

in each county of the Commonwealth; providing procedure by which, and conditions under which, a district may be activated and organized; providing for the names and general and specific powers of the districts; providing for an air pollution control board and a hearing board for each district; providing for the powers and duties of such boards, and for the appointment, powers and duties of officers and employees of the districts; providing generally ways and means to effect the purposes of this Act; authorizing appropriations to the districts by counties and cities of the first and second classes; prohibiting the emission of smoke and other air contaminants of a greater density or opacity than those standards established herein; prohibitiing the emission of other air contaminants under conditions described herein; declaring that the general assembly does not intend to occupy the field; specifying what are violations of this Act; affording injunctive relief against certain violations; providing for the penalties to be imposed upon violators of this Act; providing for appeals to the courts of the Commonwealth; and declaring an emergency to exist.

With House Amendments. (See S.J. of March 10, 1952)

Senator Moloney moved that the Senate concur in said House Amendments.

Said motion was agreed to.

Thereupon said amendments were concurred in.

Senator Moloney moved the Previous Question on said bill as amended.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?'

Which was decided in the affirmative.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Eugene H. Clark	Louis Cox	Martin J. Duffy
Augustus Cornett	Archie Craft	Ernest M. Ford

James P. Hanratty	C. W. A. McCann	Cortis K. Stacy
Doug Hays	Strother Melton	Paul Stapleton
W. Thomas Hines	Richard P. Moloney	Otis C. Thomas
Stanley Hoffman	O. W. Montgomery	Wendell Van Hoose
Alvin Kidwell	Jack R. Reynolds	Sylvester Wagner
James Lassiter	Freeman Robinson	Ed P. Warinner
Homer E. Losey	William J. Sample	John M. Williams
James R. Mansfield	Clay Shackleford	E. V. Withers
Earl F. Martin	Leon Shaikun	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill with amendment by way of committee substitute entitled, viz:

S. B. No. 258. AN ACT to amend Section 64.640 of the Kentucky Revised Statutes relating to fees and compensation of public officers and employes.

Senator Moloney moved the adoption of amendment by way of committee substitute as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.640 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the limitations prescribed in subsection (2) of this section, and excepting officers elected by popular vote, commissioners of the Court of Appeals, employes of the General Assembly, and members of boards and commissions, the Division of Personnel in the Department of Finance shall prepare a schedule of compensation, payable out of the State Treasury, with a minimum and maximum salary rate, and such intermediate salary rates as are deemed necessary or advisable, for the office or position of employment of every state officer and employe, including specifically the offices and positions of employment

in every constitutional administrative department, statutory administrative department, independent agency, or other unit of the state government. Such schedules shall be based upon studies of the duties and responsibilities of the offices and positions and upon a comparison with rates being paid for similar or comparable services elsewhere, and in the preparation of such schedules the Division of Personnel shall ascertain and record the duties, responsibilities and authority pertaining to the various offices and positions in the state service, and classify such positions in the manner provided in KRS 42.120. No such schedule shall become effective until it has been approved by the Governor.

(2) Based upon an independent study and analysis heretofore made of the duties, responsibilities and authority pertaining to the various offices and positions in the state service, and taking into consideration the character and variety of the services of each agency involved, the maximum annual salary rates payable out of the State Treasury, for the offices and positions in the state service hereinafter named shall be as follows:

(a) Commissioner of Finance, Commissioner of Revenue, Commissioner of Highways, Commissioner of Health, Commissioner of Welfare, Commissioner of Economic Security, Commissioner of Conservation, Reviser of Statutes, Manager of the Kentucky State Fair, and Commissioner of Alcoholic Beverage Control, $7,500.

(b) Commissioner of State Police, Commissioner of Banking, Commissioner of Industrial Relations, Commissioner (Director of the Division) of Insurance, Commissioner (Director of the Division) of Motor Transportation, Director of the Legislative Research Commission, Administrator of Distilled Spirit Unit and Administrator of Malt Beverage Unit, $7,000.

(c) Commissioner of Aeronautics, Director of the Division (Commissioner) of Game and Fish, Chief of the Department of Mines and Minerals, Director of the Agricultural and Industrial Development Board, Adjutant General, and Private Secretary to the Governor, $6,500.

(d) Heads of statutory departments other than those named in paragraphs (a), (b) and (c) of this subsection $5,000.

(3) The sums designated in subsection (2) of this section are intended to be the maximum annual salary rates that may be paid in any event, and the Division of Personnel under subsection (1) of this section is authorized to fix, subject to the approval of the Governor, lower rates than those designated.

Said motion was agreed to.

Thereupon said amendment by way of committee substitute was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment by way of committee substitute be engrossed and read at length for the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill with amendment by way of committee substitute be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill with amendment by way of committee substitute having been dispensed with, and same having been engrossed, said bill with amendment by way of committee substitute was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill with amendment by way of committee substitute in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Eugene H. Clark	Archie Craft
Bernard J. Bonn	Louis Cox	Martin J. Duffy

Ernest M. Ford	Earl F. Martin	Freeman Robinson
James P. Hanratty	C. W. A. McCann	William J. Sample
Doug Hays	Strother Melton	Leon Shaikun
W. Thomas Hines	Richard P. Moloney	Wendell Van Hoose
Stanley Hoffman	O. W. Montgomery	
Dr. J. E. Johnson	Jack R. Reynolds	—22

There voted in the negative—

Paul Stapleton —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill with amendment by way of committee substitute was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 246. AN ACT relating to the payment of wages of deceased employes without administration.

Senator Stapleton moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	James Lassiter	Leon Shaikun
Augustus Cornett	Homer E. Losey	Cortis K. Stacy
Louis Cox	James R. Mansfield	Paul Stapleton
Archie Craft	Earl F. Martin	Otis C. Thomas
Martin J. Duffy	C. W. A. McCann	Wendell Van Hoose
Ernest M. Ford	Strother Melton	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warinner
Doug Hays	O. W. Montgomery	John M. Williams
W. Thomas Hines	Jack R. Reynolds	E. V. Withers
Stanley Hoffman	Freeman Robinson	—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 238. AN ACT relating to Workmen's Compensation.

Senator Martin moved the adoption of Amendment No. 1, as follows:

Amend printed copy of S. B. No. 238 on page 1, line 6, by inserting the following words, "if requested by him", after the word "employe."

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Martin moved the adoption of Amendment No. 2, as follows:

Amend the printed copy of S. B. No. 238 on page 1, line 11,

by inserting the following words "if requested by him" after the word "employe."

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Martin moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendments, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendments, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendments, having been dispensed with, said bill, with amendments, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendments, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Earl F. Martin
Bernard J. Bonn	W. Thomas Hines	C. W. A. McCann
Eugene H. Clark	Stanley Hoffman	Strother Melton
Augustus Cornett	Dr. J. E. Johnson	Richard P. Moloney
Archie Craft	Alvin Kidwell	O. W. Montgomery
Martin J. Duffy	Bert Kiser	Jack R. Reynolds
Ernest M. Ford	James Lassiter	Freeman Robinson
Wayne Freeman	Homer E. Losey	William J. Sample
James P. Hanratty	James R. Mansfield	Clay Shackleford

Leon Shaikun	Otis C. Thomas	Ed P. Warinner
Cortis K. Stacy	Wendell Van Hoose	John M. Williams
Paul Stapleton	Sylvester Wagner	E. V. Withers

—36

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendments, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Senator Martin.

S. B. No. 264. AN ACT concerning certificates of births.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 213.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The attending physician or midwife shall sign and file a certificate of birth with the local registrar of the district in which the birth occurred within ten days after the date of birth. The certificate shall be properly and completely filled out, and shall contain the date of signature, the address, and all the information required by this Chapter.

(2) If there is no attending physician or midwife, the father or mother of the child, or the head of the household, owner of the premises, or manager or superintendent of the public or private institution in which the birth occurred shall notify the local registrar, within ten days after the date of birth, of the fact of the birth.

(3) Upon receipt of notice of birth, as provided in subsection (2) of this section, the local registrar shall then

secure the necessary information to make a proper certificate of birth, and shall present it to the person who gave him notice of the fact of birth, who shall sign the certificate.

(4) The certificate of birth of a legitimate child shall be in the standard form approved by the United States Census Bureau. All certificates shall be written legibly, in unfading ink. No certificate shall be held to be complete and correct that does not supply all items of information called for therein, or satisfactorily account for their omission. If a certificate of birth is incomplete, the registrar shall immediately notify the informant, and require him to supply the missing items if they can be obtained.

(5) The certificate of birth of a bastard shall conform with the provisions of subsection (4) of this section except that registration and the certificate of birth of such bastard shall be in the surname of the mother unless paternity has been determined by a court of competent jurisdiction in proceedings under KRS Chapter 406. Where the birth of a bastard is registered in the surname of a person who has not been convicted in proceedings under the provisions of KRS Chapter 406, the Division of Vital Statistics shall, at the request of such person, remove his name from the certificate of birth and from any other records concerning such birth.

By Senator Freeman.

S. B. No. 265. AN ACT relating to reemployment of public officers and employes upon return from military service.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Public employe" means any person holding a position in public employment.

(2) "Public employment" means employment by the

government of this state, or of any county, municipality, or other civil or political subdivision thereof, including any department or agency thereof.

(3) "Public employer" means any government, department, or agency mentioned in subsection (2) of this section employing a public employe in a position.

(4) "Position" means employment, whether probationary, or otherwise, held by a public employe at the time of entrance into military duty, but shall not include temporary or casual employment or an office filled by election.

(5) "Military duty" means (a) training and service performed by an inductee, enlistee, or reservist or any entrant into a temporary component of the armed forces of the United States, and (b) time spent in reporting for and returning from such training and service, or if a rejection occurs, from the place of reporting therefor: Provided, that "military duty" shall not include active duty training as a reservist in the armed forces of the United States or as a member of the National Guard of the United States where the call is for training only.

(6) "Division" means the Division of Personnel in the Department of Finance.

Section 2. (1) Any public employe who leaves a position while this Act is in effect, or who left such position prior to such effective date but not earlier than June 27, 1950, whether voluntarily or involuntarily, in order to perform military duty, or who was performing military duty on June 27, 1950, and who is relieved or discharged from such duty under conditions other than dishonorable, and makes application for reemployment within ninety days after he is relieved from military duty or from hospitalization continuing after discharge for a period of not more than one year shall,

(a) if still physically qualified to perform the duties of such position, be restored to such position if it exists

and is not held by a person with greater seniority, otherwise to a position of like seniority, status and pay;

(b) if not qualified to perform the duties of such position by reason of disability sustained during such service, such public employe shall be placed in such other position the duties of which he is qualified to perform as will provide him like seniority, status and pay, or the nearest approximation thereof consistent with the circumstances of his case.

(2) In the case of any person who is entitled to be restored to a position in accordance with the provisions of this Act, if the Division of Personnel finds that the department or agency with which such person was employed immediately prior to his entry upon training and service aforesaid,

(a) is no longer in existence and its functions have not been transferred to any other agency; or

(b) for any reason it is not feasible for such person to be restored to such department or agency,

the division shall determine whether or not there is a position in any other department or agency of the same public employer for which such person is qualified and which is either vacant or held by a person having a temporary appointment thereto. In any case in which the division determines that there is such a position, such person shall be restored to such position by the department or agency in which such position exists.

Section 3. Any person who is restored to a position in accordance with the provisions of this Act shall not be discharged from such position without cause within one year after such restoration, and shall, without limiting other rights conferred by this or other sections, be considered as having been on furlough or leave of absence during his period of military duty. He shall be restored without loss of seniority, including, upon promotion or other advancement following completion of any period of employment required therefor, a seniority date in the advanced position which will

place him ahead of all persons previously junior to him who advanced to the position during his absence in the armed forces. He shall also be entitled on reinstatement to participate in insurance (including pension plans and medical insurance) and other benefits dependent on length of employment (including vacation pay and severance pay) to the same extent as if he had remained continuously at work; he shall have the option to continue during his term of military service payments which participation in the benefit would have required of him had he remained at work, and shall have the option upon reinstatement to make up any such contributions which were not made during the period of his military duty; the employer shall make on the employe's behalf any payments the employer would have made had the employe remained at work. He shall be protected against reduction in his seniority, status, or pay during his employment except as such reduction may be made for all employes whose employment situations are similar.

Section 4. Any public employe who holds a position in public employment shall be granted a leave of absence for the purpose of being inducted or otherwise entering military duty. If not accepted for such duty, the employe shall be reinstated in his position without loss of seniority or status, or reduction in his rate of pay. During such period the employe shall for all purposes be considered to have rendered service and to have been compensated therefor at his regular rate of pay.

Section 5. The division is authorized and directed to issue regulations for the enforcement of this Act. The departments and agencies in the government in this state and the governments of the civil and political subdivisions thereof shall comply with such regulations and orders issued by the division pursuant thereto. The division is authorized and directed whenever it finds, upon appeal of the person concerned, that any department or agency has failed or refuses to comply with the provisions of this Act or of regulations thereunder to issue an order specifically requiring such department or agency to comply with such pro-

visions and to compensate such person for any loss of salary or wages suffered by reason of failure to comply with such provisions, less any amount received through other employment, unemployment compensation or readjustment allowances: Provided, that any such compensation ordered to be paid by the division shall be in addition to and shall not be deemed to diminish any of the benefits of such provisions, and shall be paid by the head of the department or agency concerned out of appropriations currently available for salaries and expenses of such department or agency, and such appropriations shall be available for such purpose.

By Senator Reynolds.

S. B. No. 266. AN ACT relating to the terms of court in the Twenty-third Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The introductory phrase and subsection (23) of section 23.050 of the Kentucky Revised Statutes are amended to read as follows:

Sec. 1. The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

* * * * *

(23) Twenty-third District. Estill County, at Irvine, on the first Monday in January, fourth Monday in April and the fourth Monday in September, eighteen juridical days each.

Lee County, at Beattyville, on the fourth Monday in January, third Monday in May and the third Monday in October, eighteen juridical days each.

Owsley County, at Booneville, on the third Monday in February, second Monday in June and the second Monday in November, twelve juridical days each.

Sec. 2. This Act shall become effective on July 1, 1952.

Ordered that said bills be printed and referred to the Committee on Rules.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 171. AN ACT relating to labor organizations.

Senator Freeman moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	W. Thomas Hines	Strother Melton
Eugene H. Clark	Dr. J. E. Johnson	Richard P. Moloney
Louis Cox	Alvin Kidwell	O. W. Montgomery
Archie Craft	Bert Kiser	Jack R. Reynolds
Martin J. Duffy	James R. Mansfield	Freeman Robinson
Wayne Freeman	Earl F. Martin	William J. Sample
Doug Hays	C. W. A. McCann	Cortis K. Stacy

Wendell Van Hoose John M. Williams E. V. Withers
Ed P. Warinner —25

Those who voted in the negative were—

Stanley Hoffman Leon Shaikun Sylvester Wagner
Homer E. Losey —4

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 275. AN ACT relating to the excise tax on gasoline.

Senator Hines moved the adoption of the following amendment, viz:

Amend printed copy of H. B. 275 on page 6, section 2, line 60-65

By deleting the following two sentences beginning after the word "necessary" in line 60:

All operators of marine terminals shall notify the department of all barge shipments in sufficient time in advance of the arrival of the shipment to make it possible for the department to measure terminal storage tanks before and after unloading of the gasoline. Such notice shall be given in such form and manner as required by the department.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendment, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length, of said bill, with amendment, having been dispensed with, said bill, with amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	James R. Mansfield	Otis C. Thomas
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Ernest M. Ford	C. W. A. McCann	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warinner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
W. Thomas Hines	Jack R. Reynolds	
Stanley Hoffman	Freeman Robinson	—37

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to,

At this time the President of the Senate vacated the chair. Senator Cox assumed the chair and presided over the Senate.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 145. AN ACT relating to unemployment insurance and amending KRS 341.030 (5), (6) and (7); KRS 341.090 (3); KRS 341.145; KRS 341.200; KRS 341.230; KRS 341.260; KRS. 341.270; KRS 341.300; KRS 341.310; KRS 341.370 (4) and (5); KRS 341.380; KRS 341.390; KRS 341.420 (3); KRS 341.540; and KRS 341.990 (5).

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading a length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Ernest M. Ford	Alvin Kidwell
Bernard J. Bonn	Wayne Freeman	Homer E. Losey
Eugene H. Clark	James P. Hanratty	Earl F. Martin
Louis Cox	W. Thomas Hines	Strother Melton
Archie Craft	Stanley Hoffman	Richard P. Moloney
Martin J. Duffy	Dr. J. E. Johnson	O. W. Montgomery

Jack R. Reynolds	Leon Shaikun	Sylvester Wagner
Freeman Robinson	Paul Stapleton	Ed P. Warinner
William J. Sample	Otis C. Thomas	E. V. Withers
Clay Shackleford	Wendell Van Hoose	—29

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 279. AN ACT relating to the practice of Chiropody.

Senator Moloney moved the Previous Question.

Whereupon, the President pro tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading a length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Louis Cox	Ernest M. Ford
Bernard J. Bonn	Archie Craft	James P. Hanratty
Eugene H. Clark	Martin J. Duffy	W. Thomas Hines

Stanley Hoffman	O. W. Montgomery	Otis C. Thomas
Alvin Kidwell	Jack R. Reynolds	Wendell Van Hoose
James Lassiter	Freeman Robinson	Sylvester Wagner
Homer E. Losey	William J. Sample	Ed P. Warinner
James R. Mansfield	Clay Shackleford	John M. Williams
Earl F. Martin	Leon Shaikun	E. V. Withers
C. W. A. McCann	Cortis K. Stacy	
Richard P. Moloney	Paul Stapleton	—31

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 284. AN ACT relating to Game and Fish.

Senator Moloney moved the Previous Question.

Whereupon, the President pro tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	Leon Shaikun
Bernard J. Bonn	James Lassiter	Cortis K. Stacy
Eugene H. Clark	Earl F. Martin	Paul Stapleton
Louis Cox	C. W. A. McCann	Wendell Van Hoose
Martin J. Duffy	Strother Melton	Sylvester Wagner
Ernest M. Ford	Richard P. Moloney	Ed P. Warinner
Wayne Freeman	Jack R. Reynolds	John M. Williams
Doug Hays	Freeman Robinson	E. V. Withers
W. Thomas Hines	William J. Sample	
Dr. J. E. Johnson	Clay Shackleford	—28

Those who voted in the negative were—

Homer E. Losey	O. W. Montgomery	—2

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered anad that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 326. AN ACT relating to eminent domain.

Senator Moloney moved the adoption of the following amendment, viz:

Amend House Bill No. 326 by striking all of Line 8, Section 2, on Page 1 of the printed bill and inserting in lieu thereof:

"(2) Where the Pipe Line is reasonably accessible over the"

Said motion was agreed to.

Thereupon said motion was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President pro tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill with amendment be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill with amendment be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill with amendment having been dispensed with, said bill with amendment was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill with amendment in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	James Lassiter	Clay Shackleford	
Bernard J. Bonn	Homer E. Losey	Leon Shaikun	
Eugene H. Clark	James R. Mansfield	Cortis K. Stacy	
Louis Cox	Earl F. Martin	Otis C. Thomas	
Archie Craft	C. W. A. McCann	Wendell Van Hoose	
Martin J. Duffy	Strother Melton	Sylvester Wagner	
Ernest M. Ford	Richard P. Moloney	Ed P. Warinner	
James P. Hanratty	O. W. Montgomery	John M. Williams	
Stanley Hoffman	Jack R. Reynolds	E. V. Withers	
Dr. J. E. Johnson	Freeman Robinson		
Alvin Kidwell	William J. Sample		—31

Those who voted in the negative were—

W. Thomas Hines	Paul Stapleton	—2

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill with amendment was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE

Honorable Emerson Beauchamp, Chairman of the Committee on Rules, to which same had been referred previously, reported resolutions of the following titles, viz:

S. Res. No. 9. A JOINT RESOLUTION authorizing the payment to B. N. Gordon, an attorney, claims for services as special judge of the Hopkins Circuit Court.

S. Res. No. 30. A JOINT RESOLUTION authorizing and directing payment of a claim of The Rowland Paper Company.

S. Res. No. 32. A JOINT RESOLUTION authorizing the Fiscal Court of Calloway County to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. Res. No. 10. A JOINT RESOLUTION authorizing Harry Bowman to file suit against the Commonwealth of Kentucky, the State Department of Welfare, State Division of Hospitals and Mental Hygiene, and Central State Hospital, or any one or more of them.

H. Res. No. 40. A JOINT RESOLUTION providing for the purchase and distribution of copies of the Kentucky Directory, 1952 Edition.

With expression of opinion that same should pass.

Whereupon said resolutions were read at length for the first time and

Ordered placed in the Calendar.

H. Res. No. 23. A RESOLUTION authorizing the payment of costs and attorneys' fees in the contest case of Frazier v. Greene.

With the expression of opinion that same should pass, with committee amendment, as follows, viz:

By striking the sum of $600 where it appears on pages 1 and 2 of the printed bill and substituting in lieu therefor the figures $300.00, also by striking the sum of $300 where it appears on pages 1 and 2 and substituting in lieu therefor the sum of $150.00

Thereupon said resolution, with committee amendment, was read at length for the first time and

Ordered placed in the Calendar.

INTRODUCTION OF RESOLUTION

A resolution of the following title was introduced, viz:

By Senator Kidwell.

S. Res. No. 34. A RESOLUTION authorizing the payment of attorneys' fees and costs of contestant and contestee in the contest case of Cox v. Hines.

Said resolution is as follows, viz:

A RESOLUTION authorizing the payment of attorneys' fees and costs of contestant and contestee in the contest case of Cox v. Hines.

WHEREAS, W. P. Cox instituted a contest against Thomas W. Hines before the Senate of the Commonwealth of Kentucky, contesting the seat of said Thomas W. Hines therein as Senator from the Seventh Senatorial District; and

WHEREAS, after a recount of all the votes in Warren County in said District, and after divers other proceedings, the contestant, W. P. Cox, has withdrawn his contest, and Thomas W. Hines has continued to occupy his seat from such District, and

WHEREAS, it appears that in connection with said contest, the said W. P. Cox has become indebted in or expended the sum of $300.00 for attorneys' fees to John E. Richardson, W. Y. Handy, and Charles R. Bell, and the additional amount of $382.44 for other expenses, and that the said Thomas W. Hines has become indebted in or expended the sum of $300.00 for attorneys' fee to Hubert Meredith and Thomas S. Dawson, and the additional amount of $535.00 for other expenses,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the Legislative Fund the sum of $300.00 to John E. Richardson, W. Y. Handy, and Charles R. Bell, attorneys for contestant; the sum of $382.44 to W. P. Cox, contestant, for other expenses in connection with said contest; the sum of $300.00 to Hubert Meredith, and Thomas S. Dawson, attorneys for contestee; and the sum of $535.00 to Thomas W. Hines, contestee, for other expenses in connection with said contest; and the Commissioner of Finance is hereby directed to draw his warrants upon the State Treasurer in favor of the parties mentioned herein for the amounts herein specified.

At this time Senator Cox vacated the chair. The President of the Senate resumed the chair and presided over the Senate.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 24. AN ACT relating to state aid for district tuberculosis sanatoria, amending section 215.320 of the Kentucky Revised Statutes.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	Clay Shackleford
Bernard J. Bonn	James Lassiter	Leon Shaikun
Eugene H. Clark	Homer E. Losey	Cortis K. Stacy
Augustus Cornett	James R. Mansfield	Paul Stapleton
Louis Cox	C. W. A. McCann	Otis C. Thomas
Archie Craft	Strother Melton	Wendell Van Hoose
Martin J. Duffy	Richard P. Moloney	Sylvester Wagner
Doug Hays	O. W. Montgomery	Ed P. Warinner
W. Thomas Hines	Jack R. Reynolds	John M. Williams
Stanley Hoffman	Freeman Robinson	E. V. Withers
Dr. J. E. Johnson	William J. Sample	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 143. AN ACT relating to the Department of Agriculture, Labor and Statistics.

Senator Kidwell moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	Clay Shackleford
Bernard J. Bonn	Alvin Kidwell	Leon Shaikun
Eugene H. Clark	James Lassiter	Cortis K. Stacy
Archie Craft	James R. Mansfield	Paul Stapleton
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Ernest M. Ford	C. W. A. McCann	Sylvester Wagner
Julian Golden	Strother Melton	Ed P. Warinner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
W. Thomas Hines	Freeman Robinson	
Stanley Hoffman	William J. Sample	—31

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 159. AN ACT relating to the offering and paying of rewards for the apprehension and conviction of persons guilty of stealing cattle or other domestic animals.

Senator Hanratty moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	W. Thomas Hines	Jack R. Reynolds
Bernard J. Bonn	Stanley Hoffman	Freeman Robinson
Eugene H. Clark	Dr. J. E. Johnson	William J. Sample
Augustus Cornett	Alvin Kidwell	Clay Shackleford
Louis Cox	James Lassiter	Leon Shaikun
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	C. W. A. McCann	Ed P. Warinner
Julian Golden	Strother Melton	John M. Williams
James P. Hanratty	Richard P. Moloney	E. V. Withers
Doug Hays	O. W. Montgomery	—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 312. AN ACT relating to traffic regulations and equipment of vehicles.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	W. Thomas Hines	Freeman Robinson
Bernard J. Bonn	Stanley Hoffman	Clay Shackleford
Eugene H. Clark	Dr. J. E. Johnson	Leon Shaikun
Augustus Cornett	Alvin Kidwell	Cortis K. Stacy
Louis Cox	James Lassiter	Paul Stapleton
Archie Craft	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	C. W. A. McCann	Ed P. Warinner
Julian Golden	Richard P. Moloney	John M. Williams
James P. Hanratty	O. W. Montgomery	E. V. Withers
Doug Hays	Jack R. Reynolds	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 330. AN ACT relating to fees of County Judges.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	W. Thomas Hines	Clay Shackleford
Bernard J. Bonn	Stanley Hoffman	Leon Shaikun
Eugene H. Clark	Dr. J. E. Johnson	Cortis K. Stacy
Augustus Cornett	Alvin Kidwell	Paul Stapleton
Louis Cox	Homer E. Losey	Otis C. Thomas
Archie Craft	James R. Mansfield	Wendell Van Hoose
Martin J. Duffy	Earl F. Martin	Sylvester Wagner
Ernest M. Ford	Strother Melton	Ed P. Warinner
Wayne Freeman	Richard P. Moloney	John M. Williams
Julian Golden	O. W. Montgomery	E. V. Withers
James P. Hanratty	Jack R. Reynolds	
Doug Hays	Freeman Robinson	—34

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The President of the Senate vacated the chair at this time. Senator Cox, President Pro Tem assumed the chair and presided over the Senate.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 403. AN ACT relating to depositories of state funds and moneys; amending KRS 41.240.

Senator Moloney moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Freeman Robinson
Bernard J. Bonn	W. Thomas Hines	William J. Sample
Eugene H. Clark	Stanley Hoffman	Leon Shaikun
Augustus Cornett	Dr. J. E. Johnson	Cortis K. Stacy
Louis Cox	Alvin Kidwell	Paul Stapleton
Archie Craft	James Lassiter	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Sylvester Wagner
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	Strother Melton	John M. Williams
Julian Golden	Richard P. Moloney	E. V. Withers
James P. Hanratty	Jack R. Reynolds	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 175. AN ACT concerning equipment of vehicles.

Senator Moloney moved the adoption of amendment to said bill, as follows:

By striking the words "commercial car" on page 1, line 2 of the printed bill and substituting in lieu therefor the word "truck".

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill as amended be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill as amended be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill as amended, having been dispensed with, said bill, as amended, was read for the third time by its title only and rejected.

The yeas and nays being taken on the bill, as amended, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were–

H. Stanley Blake	James P. Hanratty	Freeman Robinson
Bernard J. Bonn	W. Thomas Hines	Leon Shaikun
Louis Cox	Richard P. Moloney	Ed P. Warinner
Martin J. Duffy	Jack R. Reynolds	–11

Those who voted in the negative were–

Eugene H. Clark	James Lassiter	Clay Shackleford
Augustus Cornett	Homer E. Losey	Cortis K. Stacy
Archie Craft	James R. Mansfield	Paul Stapleton
Ernest M. Ford	Earl F. Martin	Otis C. Thomas
Wayne Freeman	C. W. A. McCann	Wendell Van Hoose
Julian Golden	Strother Melton	Sylvester Wagner
Doug Hays	O. W. Montgomery	John M. Williams
Dr. J. E. Johnson	William J. Sample	–23

Thereupon said bill, as amended, was rejected.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 133. AN ACT relating to the disposition of fines and forfeitures resulting from convictions for violations of the provisions of sections 189.221, 189.222 and 189.270 of the Kentucky Revised Statutes.

Senator Montgomery moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Dr. J. E. Johnson	Freeman Robinson
Augustus Cornett	James Lassiter	William J. Sample
Louis Cox	C. W. A. McCann	Leon Shaikun
Archie Craft	James R. Mansfield	Cortis K. Stacy
Martin J. Duffy	Earl F. Martin	Otis C. Thomas
Wayne Freeman	Strother Melton	Sylvester Wagner
Doug Hays	Richard P. Moloney	Ed P. Warinner
Thomas Hines	O. W. Montgomery	E. V. Withers
Stanley Hoffman	Jack R. Reynolds	—26

Those who voted in the negative were—

H. Stanley Blake	James P. Hanratty	Wendell Van Hoose
Julian Golden		—4

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 237. AN ACT relating to collection of taxes in fifth-class cities.

Senator Freeman moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as

to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Dr. J. E. Johnson	Freeman Robinson
Eugene H. Clark	Alvin Kidwell	William J. Sample
Augustus Cornett	James Lassiter	Clay Shackleford
Louis Cox	Homer E. Losey	Leon Shaikun
Martin J. Duffy	C. W. A. McCann	Cortis K. Stacy
Ernest M. Ford	James R. Mansfield	Paul Stapleton
Wayne Freeman	Earl F. Martin	Otis C. Thomas
James P. Hanratty	Strother Melton	Wendell Van Hoose
Doug Hays	Richard P. Moloney	Sylvester Wagner
Thomas Hines	O. W. Montgomery	Ed P. Warinner
Stanley Hoffman	Jack R. Reynolds	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day bills entitled, viz:

H. B. No. 125. AN ACT relating to common schools with particular reference to entrance age requirements.

H. B. No. 332. AN ACT relating to the fees of court commissioners and receivers.

Senator Moloney moved that consideration of said bills be deferred and that same be allowed to retain their place in the Orders of the Day.

Said motion was agreed to.

Senator Moloney moved that the Senate do now adjourn until 1 P.M., Wednesday, March 12, 1952.

Said motion was agreed to.

And then the Senate adjourned.

WEDNESDAY, MARCH 12, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend E. W. Baxter, Pastor of the Episcopal Church of Frankfort.

The roll of the Senate was called and the following Senators answered to their names, viz:

Eugene H. Clark	Alvin Kidwell	William J. Sample
Augustus Cornett	Bert Kiser	Clay Shackleford
Louis Cox	James Lassiter	Leon Shaikun
Archie Craft	Homer E. Losey	Cortis K. Stacy
Martin J. Duffy	C. W. A. McCann	Otis C. Thomas
Ernest M. Ford	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Earl F. Martin	Sylvester Wagner
James P. Hanratty	Strother Melton	Ed P. Warinner
Doug Hays	Richard P. Moloney	John M. Williams
Thomas Hines	O. W. Montgomery	E. V. Withers
Stanley Hoffman	Jack R. Reynolds	
Dr. J. E. Johnson	Freeman Robinson	—34

The following Senators were absent—

H. Stanley Blake	Julian Golden	Paul Stapleton
Bernard J. Bonn		—4

Senator Montgomery moved that the reading of the Journal

of the Senate of the proceedings for Tuesday, March 11, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

INTRODUCTION OF RESOLUTION

A resolution of the following title was introduced, viz:

By Senator Johnson.

S. Res. No. 35. A JOINT RESOLUTION directing the Department of Conservation to study the establishment of a Park in the Breaks.

Said resolution is as follows, viz:

WHEREAS, in Pike County, there is located one of the most beautiful and awe-inspiring areas of scenic beauty in the entire country, which are is known as the Breaks of Sandy; and

WHEREAS, "aeons ago, the majestic Cumberland met its volcanic conqueror, and after a heaving conflict, was tumbled head and shoulders to the lower earth, to let the pent-up Big Sandy rush through its shattered ribs, and where the River still churns through them today with a roar of freedom that once must have shaken the stars"; and

WHEREAS, there is a wild, rugged grandeur about this mountain gorge on the Kentucky-Virginia border that makes it one of America's noblest vistas, where the Big Sandy River plunges through the mountain, dropping five hundred feet in a series of falls that form the five mile long Breaks known as the Grand Canyon of the South on either side of which are heavily wooded, almost vertical cliffs, rising more than three thousand feet above the turbulent stream; and

WHEREAS, the area is teeming with wild game and birds which may be seen in their native habitat which should be preserved as a sanctuary; and

WHEREAS, the beauty of this section has been dwelt upon in poetry, song, and in many novels, but only recently, with the opening of Kentucky-Virginia Highway 80, has it been possible for the general public to come and see the bounties of Providence spread before the eye of man; and

WHEREAS, the Breaks area is by far the most beautiful and potentially the most tourist-attractive section of Kentucky; and

WHEREAS, the Commonwealth of Virginia, in which the greater part of the Breaks area is located, has by joint resolution of the Senate and House of Delegates directed its Department of Conservation and Development to make a comprehensive and complete study of the development of the Breaks area located in Dickenson County, Virginia, as a State or Bi-State park to preserve this treasure, unmarked by human hands, for future generations; and has also directed said Department to confer with the Department of Conservation of the Commonwealth of Kentucky as to its plan of developing its portion of the area;

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Commonwealth of Kentucky with the House of Representatives concurring, that the Department of Conservation of the Commonwealth of Kentucky is hereby directed to make a comprehensive and complete study of the development of the area known as the Breaks of Sandy, located in Pike County, Kentucky, as a State park or as a bi-State park.

The Department shall consider the cost of acquiring the necessary land, supplying utilities and proper facilities and shall confer with the Department of Conservation and Development of the Commonwealth of Virginia as to its plan of developing its portion of the area.

The Department of Conservation shall confer with the citizens in the area in order to obtain their views as to what should be done.

The Department of Conservation shall complete its study and make its report to the Governor and General Assembly not later than January 30, 1954.

Ordered that said resolution be printed and referred to the Committee on Rules.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills which originated in that body of the following titles, viz:

H. B. No. 187. AN ACT concerning assets of the Kentucky Rural Rehabilitation Corporation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Commissioner of Agriculture, Labor and Statistics is hereby designated as the State Official of the Commonwealth of Kentucky to make application to and receive from the Secretary of Agriculture of the United States, or any other proper Federal official, pursuant and subject to the provisions of Public Law 499, 81st Congress, approved May 3, 1950, the trust assets, either funds or property, held by the United States as trustee in behalf of the Kentucky Rural Rehabilitation Corporation.

Section 2. The Commissioner of Agriculture, Labor and Statistics, with the advice of the State Board of Agriculture, is authorized to enter into agreements with the Secretary of Agriculture of the United States pursuant to section 2(f) of the aforesaid Act of the Congress of the United States, upon such terms and conditions and for such periods of time as may be mutually agreeable, authorizing the Secretary of Agriculture of the United States to accept, administer, expend and use in the Commonwealth of Kentucky all or any part of such trust assets, or any other funds of the Commonwealth of Kentucky which may be appropriated for such uses, for carrying out the purposes of Titles I and II of the Bankhead-Jones Farm Tenant Act, in accordance with the applicable provisions of Title IV thereof, as now or hereafter amended, and to do any and all things necessary to effectuate and carry out the purposes of said agreements.

Section 3. Funds and the proceeds of the trust assets returned to the Commissioner of Agriculture, Labor and Statistics pursuant to Section 1 of this Act which are not re-transferred to the Secretary of Agriculture of the United States pursuant to Section 2 of this Act, shall be paid into the State Treasury and carried in a separate account for use for such of the rural rehabilitation purposes permissible under the charter of the now dissolved Kentucky Rural Rehabilitation Corporation as may from time to time be agreed upon by the Commissioner of Agriculture, Labor and Statistics and the Secretary of Agriculture of the United States, subject to the applicable provisions of said Public Law 499, or for the purposes of section 2 of this Act.

Section 4. The Commissioner of Agriculture, Labor and Statistics of the State of Kentucky is authorized and empowered to:

(a) Collect, compromise, adjust or cancel claims and obligations arising out of or administered under this Act or under any mortgage, lease, contract or agreement entered into or administered pursuant to this Act and, if in his judgment, necessary and advisable, pursue the same to final collection in any court having jurisdiction.

(b) Bid for and purchase at any execution, foreclosure or other sale, or otherwise to acquire property upon which the Secretary has a lien by reason of a judgment or execution, or which is pledged, mortgaged, conveyed or which otherwise secures any loan or other indebtedness owing to or acquired by the Secretary under this Act, and

(c) Accept title to any property so purchased or acquired; to operate or lease such property for such period as may be deemed necessary to protect the investment therein; and to sell or otherwise dispose of such property in a manner consistent with the provisions of this Act.

The authority herein contained may be delegated to the Secretary of Agriculture of the United States with respect to funds and assets transferred to him pursuant to section 2 of this Act.

Section 5. The United States and the Secretary of Agriculture thereof, shall be held free from liability by virtue of the transfer of the assets to the Commissioner of Agriculture, Labor and Statistics of the State of Kentucky pursuant to this Act.

H. B. No. 307. AN ACT relating to persons performing services in connection with the taking, recording and transcribing of evidence or judicial proceedings in counties having a population of 150,000 or more, including but not limited to provisions concerning the compensation and fees of such persons, and amending and re-enacting KRS 28.440.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 28.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) In counties having a population of 150,000 or more, the reporters of the criminal branch divisions of the circuit court shall continue to receive the salaries now fixed by law; provided, however, that such salaries may be increased or decreased to the amount fixed by the presiding judges of said divisions by written recommendation to the Fiscal Court of the County, which recommendation shall become effective upon its approval by resolution of the Fiscal Court, but they shall receive no other compensation from the County or State for their services as reporters in said divisions. They shall receive thirty cents per hundred words for making a transcript for a person other than the County or State. If it appears that a defendent, wishing to appeal, is unable to pay for a transcript, the Court may direct the reporter to make a transcript for the defendant, and the fee may be recovered at any future time from the defendant.

(2) In counties having a population of 150,000 or more, the fees of reporters serving in civil cases in any division of the circuit court shall be fixed by the presiding judge thereof at not more than ten dollars per day for taking stenographic reports, and thirty cents per hundred words for the transcript thereof, which shall be paid forthwith by the party in whose behalf the

report or transcript is ordered, and shall be taxed as part of the costs of the action. The reporter shall not be required to file any transcript without payment therefor by the party in whose behalf it is ordered, unless the presiding judge of the division directs him to file a transcript upon the motion of a party suing in forma pauperis.

(a) Reporters of the common pleas branch of the court shall continue to be paid the salaries now provided by law in addition to the fees above prescribed; provided, however, that such salaries may be increased or decreased to the amount fixed by a majority of the members of the General Term of the circuit court by written recommendation to the Fiscal Court of the county, which recommendation shall become effective upon its approval by resolution of the Fiscal Court.

(b) Reporters of the Chancery Branch of the court shall be paid salaries in addition to the fees above prescribed, such salaries to be fixed by a majority of the members of the General Term of the circuit court by written recommendation to the Fiscal Court of the county, which recommendation shall become effective upon its approval by resolution of the Fiscal Court; provided, however, that such salaries may be increased or decreased in the same manner as provided for reporters of the common pleas branch of the court.

(3) For duplicate copies of transcripts, reporters in counties having a population of 150,000 or more shall be allowed one-half the amount they are allowed for the original, to be paid for in the same manner as the original.

H. B. No. 318. AN ACT relating to the reporting of contributions and expenditures in connection with elections.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Those officers with whom statements of election contributions and expenditures are required to be filed under the provisions of KRS 123.060, 123.070 and 123.080 shall, at least ten days before such statements are due, forward, by registered

mail, to every candidate and committee required to file such statements the necessary statement forms and notice of the due date.

H. B. No. 333. AN ACT relating to public welfare in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Any department of public welfare established under the provisions of KRS 83.160 and KRS 98.010 may recover from any person who receives general assistance in the form of money payments an amount equal to the sum of such money payments, and such departments may recover an amount of money equal to the value of any assistance in kind or service to or for the benefit of any person only in the following circumstances: if the recipient though destitute at the time he receives assistance subsequently receives from other than public sources income or other support in sufficient amount to reimburse the department, partially or wholly. Nothing in this Section shall be construed to authorize the Department to make or cause to be made any claim for recovery of assistance except within two years from the date the assistance was rendered in money, kind or service to or for the benefit of the recipient.

SECTION 2. Upon the death of any person who has been paid general assistance by or through the department of public welfare of a city of the first class, said city shall have a claim against the estate of the deceased for all amounts of general assistance paid to him or on his behalf. The claim shall have priority over all unsecured claims against such estate except the burial expenses of the decedent, the cost of administration of his estate, the cost of his last illness and claims by the Commonwealth of Kentucky for public assistance rendered by it to the decedent. The claim shall be filed against the estate of the deceased person in the same manner as other claims are filed against decedents' estates.

SECTION 3. On and after July 1, 1952 a city of the first class shall have a lien upon all real estate and rights to real

estate belonging to or thereafter acquired by any recipient of general assistance through said city's department of public welfare. The lien shall become effective upon the first payment of assistance to the recipient after the effective date of this section and shall be cumulative and shall include all amounts paid to the recipient. The lien shall continue until it is satisfied, or becomes unenforceable.

The lien shall not be effectual as against any mortgage, purchaser, or judgment creditor without actual notice until notice thereof has been filed by the director of public welfare of the city in the office of the clerk of the county court of the county in which the property is located. Such notice from the date of the filing thereof shall constitute notice of all payments of assistance, whether paid proir or subsequent to the date of the filing of the notice. Such notice shall be filed by the director of public welfare in those cases in which it is discovered that the recipient has sufficient real estate to justify the filing of such a notice.

The director of public welfare shall file an adequate notice of the existence of the lien provided for by this chapter which notice shall not specify the amount of assistance paid but the director of public welfare shall furnish to any authorized person upon proper request the total amount of the lien as of the date of the inquiry.

The clerk of the county court shall file, record and index such notices as other liens on real estate are required by law to be filed, recorded and indexed but shall index said lien only in the name of the recipient. The lien shall be designated "City's Lien."

The clerk shall be entitled to a fee of $1.00 for filing and indexing the lien. The department of public welfare of the city shall pay the fee but the fee shall become a part of the lien as an added cost to the recipient to be recovered at the time a lien is satisfied.

The lien shall not be enforceable while the real estate is occupied by the surviving spouse or until she remarries, or is occupied by a dependent child, provided, no other action is brought to settle the estate.

In any case it which it appears that it would be to the best interest of the recipient to sell his real estate and reinvest the proceeds in other real estate, the department of public welfare of the city may grant permission and waive the lien to the extent necessary for the purpose of effecting the transfer but such lien shall attach to the reinvested property.

Any claim under the Act may be precipitated and the lien provided by this Act may be enforceable during the lifetime of any person who has received general assistance in order to recover any amount obtained as a result of such person knowingly making a false statement or representation or knowingly failing to disclose a fact to procure, increase, or continue any material benefit for himself.

SECTION 4. If any inmate or patient of any institution operated under the provisions of KRS 83.160, except the city workhouse, who is eligible for admission to said institution under the ordinances of the city and rules and regulations of the city's department of public welfare is financially able to pay a portion of the cost of his care, the city's department of public welfare shall have the authority to receive such payment as he is able to make.

H. B. No. 343. AN ACT relating to the replacement of glass in motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall install or cause to be installed in any motor vehicle, as a replacement of any windshield or door or window glass, any glass other than safety glass which, as used in this section, shall mean any product composed of glass so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken or such other or similar product as may be approved by the Department of Revenue, as provided by KRS 189.120.

Section 2. Any person violating this Act shall be fined not less than ten dollars nor more than one hundred dollars.

H. B. No. 431. AN ACT relating to fiscal courts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 67.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fiscal court of each county shall consist of the county judge, or in his absence the county judge pro tem, and the justices of the peace of the county; or of the county judge, or in his absence the county judge pro tem, and three county commissioners elected under KRS 67.050 and 67.060.

(2) The county judge or in his absence the county judge pro tem shall preside, if present. If neither the county judge nor the county judge pro tem is present or can preside, a majority of the justices of the peace of commissioners shall elect one of their number to preside during the absence or inability of the county judge or county judge pro tem to preside. The county judge, or the county judge pro tem or justice presiding in his place, shall preserve order, and may fine and imprison for contempt of court in the same manner as the presiding judge of the county court.

(3) Not less than a majority of the members of the fiscal court shall constitute a quorum for the transaction of business. No proposition shall be adopted except with the concurrence of at least a majority of the members present.

(4) When there is a tie vote in the fiscal court in the selection of any officer or employe to be selected by the fiscal court, and a deadlock results and continues for fifteen days or longer, the county judge shall cause to be entered upon the minutes of the fiscal court an order reciting the facts as to the deadlock, and the question upon which it has occurred and exists, and thereupon, the county judge shall make such appointment.

Section 2. WHEREAS, there now exists or may presently exist in numerous fiscal courts composed of justices of the peace a deadlock over the appointment of certain officers and employes

required for the proper and continued operation of county affairs, and

WHEREAS, the continued existence of such a deadlock among the members of the fiscal court may cause irreparable harm with respect to the operation of county affairs,

NOW, THEREFORE, an emergency is declared to exist and this act shall be in full force and effect immediately upon its passage and approval by the Governor.

Ordered that said bills be printed and referred.

A message which was received from the House of Representatives further announced that they had passed a bill which originated in the Senate of the following titles, viz:

S. B. No. 101. AN ACT relating to public assistance and welfare of needy aged, needy blind and needy children, and amending sections 205.010, 205.200, 205.210, 205.240, and 205.990 of the Kentucky Revised Statutes and repealing subsection (3) of section 205.170 of the Kentucky Revised Statutes.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

REPORT OF COMMITTEE ON RULES

Honorable Emerson Beauchamp, Chairman of the Committee on Rules, to which same had been previously referred, reported bills and resolutions of the following titles, viz:

S. B. No. 259. AN ACT to amend Section 271.155, Kentucky Revised Statutes, relating to shares, classes, and series of stock of private corporations.

H. Res. No. 51. A JOINT RESOLUTION providing for payment of ministers of the churches of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly.

H. Res. No. 50. A JOINT RESOLUTION for the benefit of officers and employes of the Senate and the House of Representatives and declaring an emergency.

H. Res. No. 49. A JOINT RESOLUTION providing for the payment of compensation for services rendered and expenses

incurred in connection with and related to the present session of the General Assembly; appropriating money from the Legislative Session Fund for the purposes of such compensation; providing for the disrtibution of the money so appropriated; and declaring an emergency.

H. B. No. 77. AN ACT relating to the office of county tax commissioner.

S. B. No. 214. AN ACT concerning regulation of the manufacture, sale, transportation, distribution and use of economic poisons and devices, including fungicides, rodenticides and herbicides.

S. B. No. 266. AN ACT relating to the terms of court in the twenty-third Judicial District.

H. B. No. 76. AN ACT relating to the compensation of county tax commissioners.

S. B. No. 170. AN ACT to amend the Constitution of the Commonwealth of Kentucky relating to the subject of Officers for the State at Large, amending sections 84, 85, 87, 91, 92, 93 and 95 thereof.

S. RES. No. 34. A RESOLUTION authorizing the payment of attorneys' fees and costs of contestant and contestee in the contest case of Cox v. Hines.

H. B. No. 247. AN ACT relating to officers who shall not practice law.

S. B. No. 264. AN ACT concerning certificates of births.

S. B. No. 236. AN ACT relating to the arrest and delivery of a person guilty of a felony in another state.

H. B. No. 206. AN ACT relating to support of dependents.

S. B. No. 265. AN ACT relating to reemployment of public officers and employes upon return from miiltary service.

S. B. No. 93. AN ACT relating to the licensing of dogs.

With the expression of opinion that said bills and resolutions should pass.

Thereupon said bills and resolutions were each and severally read at length and

Ordered placed in the Calendar.

Honorable Emerson Beauchamp, Chairman of the Committee on Rules, to which same had been referred previously, reported a bill of the following title, viz:

S. B. No. 225. AN ACT proposing an amendment to section 186 of the Constitution of Kentucky, relating to the Common School Fund.

With the expression of opinion that said bill should pass with amendment by way of Committee Substitute.

Said Committee Substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that section 186 of the Constitution of Kentucky be amended so as to read as follows:

"All funds acruing to the school fund shall be used for the maintenance of the public schools of the Commonwealth, and for no other purpose, and the General Assembly shall by general law prescribe the manner of the distribution of the public school fund among the school districts and its use for public school purposes."

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under sections 256 and 257 of the Constitution and under sections 118.170 and 118.430 of the Kentucky Revised Statutes.

Thereupon, said bill, with amendment by way of Committee Substitute, was read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 415. AN ACT relating to banking.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar bills and resolutions of the following titles, viz:

S. Res. No. 10. A JOINT RESOLUTION authorizing Harry Bowman to file suit against the Commonwealth of Kentucky, the State Department of Welfare, State Division of Hospitals and Mental Hygiene, and Central State Hospital, or any one or more of them.

S. Res. No. 9. A JOINT RESOLUTION authorizing the payment to B. N. Gordon, an attorney, claims for services as special judge of the Hopkins Circuit Court.

H. Res. No. 40. A JOINT RESOLUTION providing for the purchase and distribution of copies of the Kentucky Directory, 1952 Edition.

H. Res. No. 23. A RESOLUTION authorizing the payment of costs and attorneys' fees in the contest case of Frazier v. Greene.

S. Res. No. 30. A JOINT RESOLUTION authorizing and directing payment of a claim of The Rowland Paper Company.

S. Res. No. 32. A JOINT RESOLUTION authorizing the Fiscal Court of Calloway County to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Ordered that said bills and resolutions be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bills and resolutions be dispensed with and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills and resolutions having been dispensed with, said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 142. AN ACT relating to giving notice to the traveling public of the approach of trains to public highway crossings; amending Section 277.170 of the Kentucky Revised Statutes.

Senator Hays moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken on said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Augustus Cornett	Alvin Kidwell	O. W. Montgomery
Martin J. Duffy	Bert Kiser	Leon Shaikun
Ernest M. Ford	James Lassiter	Paul Stapleton
Doug Hays	C. W. A. McCann	Sylvester Wagner
Thomas Hines	Richard P. Moloney	John M. Williams

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Those who voted in the negative were—

Eugene H. Clark	Earl F. Martin	Cortis K. Stacy
Louis Cox	Jack R. Reynolds	Otis C. Thomas
Stanley Hoffman	Freeman Robinson	Wendell Van Hoose
Dr. J. E. Johnson	William J. Sample	E. V. Withers
Homer E. Losey	Clay Shackleford	

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Thereupon said bill was rejected.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample of the Committee on Enrollment reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

S. B. No. 210. AN ACT relating to the transfer of the Division of Child Welfare to the Kentucky Children's Bureau within the Department of Welfare, and services to needy Children.

S. B. No. 158. AN ACT relating to the distribution of in-lieu payments made by the Tennessee Valley Authority.

S. B. No. 212. AN ACT relating to pleading, practice and procedure in civil actions and criminal proceedings.

S. B. No. 147. AN ACT relating to the control and suppression of air pollution; creating an air pollution control district in each county of the Commonwealth; providing procedure by which, and conditions under which, a district may be activated and organized; providing for the names and general and specific powers of the districts; providing for an air pollution control board and a hearing board for each district; providing for the powers and duties of such boards, and for the appointment, powers and duties of officers and employees of the districts; providing generally ways and means to effect the pur-

poses of this Act; authorizing appropriations to the districts by counties and cities of the first and second classes; prohibiting the emission of smoke and other air contaminants of a greater density or opacity than those standards established herein; prohibiting the emission of other air contaminants under conditions described herein; declaring that the general assembly does not intend to occupy the field; specifying what are violations of this Act; affording injunctive relief against certain violations; providing for the penalties to be imposed upon violators of this Act; providing for appeals to the courts of the Commonwealth; and declaring an emergency to exist.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate affixed his signature thereto.

Ordered that the Chief Clerk of the Senate deliver the original and enrolled copies of said bills to the Enrolling Clerk of the House.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

At this time the President of the Senate vacated the chair. Senator Cox, President Pro Tem, assumed the chair, and presided over the Senate.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 125. AN ACT relating to common schools with particular reference to entrance age requirements.

Senator Stapleton moved the adoption of Amendment No. 1, which is as follows, viz:

On page 1 of the printed bill by striking line 11, and on page 2 thereof by striking lines 12 through 25, inclusive, and placing in lieu thereof the following:
"first, that in schools having mid-year promotions any child who is six years of age or who will become six years of age within

thirty calendar days after the opening of a school semester may apply for admittance to school provided that he makes application within thirty calendar days of the beginning of that semester, and in schools having mid-year promotions any child who will not become six years of age until more than thirty days after the opening of the semester shall not enter school during that semester; and, secondly, in schools not having mid-year promotions any child who is six years of age or who will become six years of age by January 1 following the opening of school may apply for admittance to school provided that he makes application within thirty calendar days of the beginning of that school year, and in schools not having mid-year promotions any child who will not become six years of age by January 1 of the beginning of that school year shall not enter school during that school year.

The yeas and nays being taken on the adoption of said amendment were as follows, viz:

Those who voted in the affirmative were—

Augustus Cornett	James Lassiter	Leon Shaikun
Archie Craft	Earl F. Martin	Cortis K. Stacy
Martin J. Duffy	C. W. A. McCann	Paul Stapleton
Wayne Freeman	Strother Melton	Sylvester Wagner
Julian Golden	O. W. Montgomery	Ed P. Warinner
Doug Hays	Jack R. Reynolds	John M. Williams
W. Thomas Hines	Freeman Robinson	
Bert Kiser	William J. Sample	—22

Those who voted in the negative were—

Ernest M. Ford	Dr. J. E. Johnson	James R. Mansfield
James P. Hanratty	Alvin Kidwell	Richard P. Moloney
Stanley Hoffman	Homer E. Losey	E. V. Withers

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Whereupon said amendment was adopted.

Senator Reynolds moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendment, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendment, having been dispensed with, said bill, with amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Eugene H. Clark	Dr. J. E. Johnson	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	C. W. A. McCann	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	O. W. Montgomery	Sylvester Wagner
James P. Hanratty	Jack R. Reynolds	Ed P. Warinner
Doug Hays	Freeman Robinson	John M. Williams
Thomas Hines	William J. Sample	E. V. Withers

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Those who voted in the negative were—

Ernest M. Ford	Alvin Kidwell	Strother Melton
Stanley Hoffman	Homer E. Losey	Richard P. Moloney

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Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Rules Committee, the Senate took up for consideration from the Orders of the Day, bills of the following titles, viz:

H. B. No. 332. AN ACT relating to the fees of court commissioners and receivers.

H. B. No. 402. AN ACT relating to the office of sheriff and to the payment and collection of taxes.

Senator Moloney moved that consideration of said bills be deferred and that they be allowed to retain their places in the orders of the day.

Said motion was agreed to.

At the instance of the Rules Committee, the Senate took up for consideration from the Orders of the Day a bill, with amendment by way of Committee Substitute, of the following title, viz:

S. B. No. 209. AN ACT relating to signs, signboards and advertising devices on or adjacent to highways, and providing penalties.

Senator Moloney offered amendment by way of Committee Substitute, which is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall place, erect or maintain any sign, signboard or advertising device of any character upon or over the right-of-way of a State-maintained highway, except the following:

(1) Official signs of the Department of Highways;

(2) Official signs or advertising devices of other State or local governmental agencies approved by the Commissioner of Highways;

(3) Signs erected with the approval of the Commissioner of Highways by Red Cross authorities relating to Red Cross Emergency Stations.

Section 2. The Department of Highways, with the assist-

ance of the Legislative Research Commission, is directed to prepare and submit to the next session of the General Assembly a draft of an act for the regulation of signs, signboards and other advertising devices erected or maintained on property adjacent to public highways. Such act shall be drawn in conformity with approved practices in other states and territories and shall be designed to promote the safety, health and convenience of the traveling public, and to protect property from indiscriminate bill posting.

Section 3. Signs, signboards and other advertising devices which are placed, erected or maintained in violation of the provisions of this Act shall be deemed and considered to be public nuisances and may be summarily removed, without notice, by the Commissioner of Highways or by any employe of the Department of Highways acting under his general direction, and may be disposed of in such manner as is deemed proper by such official or employe.

Section 4. Any person who erects and maintains, or causes to be erected and maintained, any sign, signboard or other advertising device, contrary to the provisions of this Act, shall be deemed guilty of a misdemeanor and shall be fined not less than Ten Dollars ($10.00) nor more than Fifty Dollars ($50.00). Each day during which such violation is continued after conviction may be treated for all purposes as a separate offense.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment by way of Committee Substitute, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendment by way of Committee Substitute, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendment by way of Committee Substitute, having been dispensed with, said bill, with amendment by way of Committee Substitute, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment by way of Committee Substitute, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Louis Cox	Bert Kiser	Leon Shaikun
Archie Craft	Homer E. Losey	Cortis K. Stacy
Martin J. Duffy	Earl F. Martin	Paul Stapleton
Ernest M. Ford	Strother Melton	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warinner
Stanley Hoffman	Freeman Robinson	E. V. Withers
Dr. J. E. Johnson	William J. Sample	—23

Those who voted in the negative were—

Julian Golden	James R. Mansfield	Wendell Van Hoose
James P. Hanratty	O. W. Montgomery	John M. Williams
W. Thomas Hines	Otis C. Thomas	—8

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment by way of Committee Substitute, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 33. RESOLUTION directing the Governor to proclaim the week including November 19, 1952, "George Rogers Clark Bicentennial Memorial Week" in honor of General Clark on the two-hundredth anniversary of his birth; and authorizing the appointment of a committee to plan and execute a program to memorialize General Clark on that occasion.

Senator Moloney moved the adoption of said resolution.

Said motion was agreed to.

Thereupon said resolution was adopted.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 59. A JOINT RESOLUTION expressing the gratitude of the General Assembly of the Commonwealth of Kentucky for the hospitality and cooperation of the Officers of the State of Mississippi in providing information concerning the automatic roll call system to the joint committee of the General Assembly of the Commonwealth of Kentucky.

Senator Moloney moved the adoption of said resolution.

Said motion was agreed to.

Thereupon said resolution was adopted.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 228. AN ACT relating to the qualifications and licensing of dentists.

Senator Johnson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed,

The yeas and nays being taken on the passage of said bill in accordance with the provison of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Eugene H. Clark	Alvin Kidwell	William J. Sample
Augustus Cornett	Bert Kiser	Cortis K. Stacy
Martin J. Duffy	James Lassiter	Paul Stapleton
Wayne Freeman	Homer E. Losey	Otis C. Thomas
Julian Golden	C. W. A. McCann	Wendell Van Hoose
Doug Hays	James R. Mansfield	Sylvester Wagner
Thomas Hines	Earl F. Martin	Ed P. Warinner
Stanley Hoffman	Strother Melton	John M. Williams
Dr. J. E. Johnson	Jack R. Reynolds	E. V. Withers

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Those who voted in the negative were—

Richard P. Moloney Leon Shaikun —2

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 122. AN ACT relating to time of payment of Teachers' Retirement annuities.

Senator Martin moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provison of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Eugene H. Clark	Bert Kiser	Clay Shackleford
Augustus Cornett	James Lassiter	Leon Shaikun
Martin J. Duffy	Homer E. Losey	Cortis K. Stacy
Ernest M. Ford	James R. Mansfield	Otis C. Thomas
Wayne Freeman	C. W. A. McCann	Wendell Van Hoose
Julian Golden	Earl F. Martin	Sylvester Wagner
Doug Hays	Strother Melton	Ed P. Warinner
Thomas Hines	O. W. Montgomery	John M. Williams
Dr. J. E. Johnson	Jack R. Reynolds	E. V. Withers
Alvin Kidwell	William J. Sample	—29

There voted in the negative—

Richard P. Moloney —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 148. AN ACT relating to providing school services in certain institutions.

Senator Shaikun moved the adoption of Amendment No. 1, which is as follows, viz:

Amendment No. 1 to Senate Bill No. 148.

Amend Senate Bill No. 148 by adding a new section on page 3 after the end of Line 6, to read as follows:

"Sec. 6. The inmates of any home operating under Chapter 201, Kentucky Revised Statutes, shall not be listed for school purposes in any other school district of the State while they are residing in such home."

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Shaikun moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendment, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendment, having been dispensed with, said bill, with amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Eugene H. Clark	Julian Golden	Bert Kiser
Augustus Cornett	Doug Hays	James Lassiter
Louis Cox	W. Thomas Hines	Homer E. Losey
Martin J. Duffy	Dr. J. E. Johnson	James R. Mansfield
Ernest M. Ford	Alvin Kidwell	Earl F. Martin

C. W. A. McCann	William J. Sample	Wendell Van Hoose
Strother Melton	Clay Shackleford	Sylvester Wagner
Richard P. Moloney	Leon Shaikun	Ed P. Warinner
O. W. Montgomery	Paul Stapleton	John M. Williams
Jack R. Reynolds	Otis C. Thomas	E. V. Withers
Freeman Robinson		—31

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At this time Senator Cox, President Pro Tem, vacated the chair. Honorable Emerson Beauchamp, President of the Senate, resumed the chair and presided over the Senate.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 87. AN ACT authorizing water districts to acquire, develop, maintain and operate gas systems.

Senator Hays moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provison of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Eugene H. Clark	Bert Kiser	Clay Shackleford
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Martin J. Duffy	C. W. A. McCann	Otis C. Thomas
Ernest M. Ford	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Earl F. Martin	Sylvester Wagner
Julian Golden	Strother Melton	Ed P. Warinner
Doug Hays	O. W. Montgomery	John M. Williams
Thomas Hines	Jack R. Reynolds	E. V. Withers
Dr. J. E. Johnson	William J. Sample	—29

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 232. AN ACT relating to waterworks' boards.

Senator Duffy moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provison of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Eugene H. Clark	Bert Kiser	Clay Shackleford
Augustus Cornett	James Lassiter	Leon Shaikun
Louis Cox	C. W. A. McCann	Cortis K. Stacy
Martin J. Duffy	James R. Mansfield	Paul Stapleton
Ernest M. Ford	Earl F. Martin	Otis C. Thomas
Wayne Freeman	Strother Melton	Wendell Van Hoose
Doug Hays	Richard P. Moloney	Sylvester Wagner
Thomas Hines	O. W. Montgomery	Ed P. Warinner
Dr. J. E. Johnson	Jack R. Reynolds	John M. Williams
Alvin Kidwell	William J. Sample	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 256. AN ACT relating to Grade Crossings in Counties Containing A City of the First Class.

Senator Moloney moved the adoption of the following amendment, viz:

Amend Section 2 (f) Line 104, on page 5 of the printed bill, by changing the semicolon on line 104 to a period and deleting the words that follow thereafter beginning with the word "provided" on Line 104 through the word "utility" on Line 111.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendment, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendment, having been dispensed with, said bill, with amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Augustus Cornett	C. W. A. McCann	Leon Shaikun
Louis Cox	James R. Mansfield	Cortis K. Stacy
Martin J. Duffy	Earl F. Martin	Paul Stapleton
Thomas Hines	Strother Melton	Wendell Van Hoose
Stanley Hoffman	Richard P. Moloney	Sylvester Wagner
Dr. J. E. Johnson	O. W. Montgomery	Ed P. Warinner
Alvin Kidwell	Jack R. Reynolds	John M. Williams
Bert Kiser	William J. Sample	
James Lassiter	Clay Shackleford	—25

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 119. AN ACT relating to salaries of mayors and commissioners.

Senator Moloney offered the following amendments, viz:

Amendment No. 1

by striking out in line 4 the following words: "more than $3000" and adding in lieu thereof the following "less than $1800 and not more than $3000."

Amendment No. 2

by striking out in line 5 and 6 the following words: "more than $2500" and adding in lieu thereof the following: "less than $1500 and not more than $2500, to be fixed by the City Legislative Body.

Senator Moloney moved the adoption of Amendment No. 1.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the adoption of Amendment No. 2.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendments, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendments, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendments, having been dispensed with, said bill, with amendments, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendments, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Eugene H. Clark	Bert Kiser	Jack R. Reynolds
Augustus Cornett	James Lassiter	William J. Sample
Martin J. Duffy	C. W. A. McCann	Leon Shaikun
Wayne Freeman	James R. Mansfield	Cortis K. Stacy
Doug Hays	Earl F. Martin	Paul Stapleton
Thomas Hines	Strother Melton	Sylvester Wagner
Stanley Hoffman	Richard P. Moloney	Ed P. Warinner
Dr. J. E. Johnson	O. W. Montgomery	John M. Williams
Alvin Kidwell		—25

Those who voted in the negative were—

Ernest M. Ford	Julian Golden	—2

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendments, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 228. AN ACT relating to Workmen's Compensation.

Senator Moloney moved the adoption of an amendment as follows, viz;

Amendment No. 1 HOUSE BILL NO. 228

Page 11—line 24

by inserting, immediately following line 24, the following:

"Section 10. That section 342.265 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the employe and employer reach an agreement conforming to the provisions of this chapter in regard to compensation, a memorandum of the agreement shall be filed with the board, and, if approved by it, shall be enforceable as is herein provided for the enforcement of awards of the board. Nothing herein shall prevent the voluntary payment of compensation in the amounts and for the periods prescribed in this chapter without formal agreement, but nothing shall operate as a final settlement except a memorandum of agreement filed with and approved by the board in accordance with this section or the expiration of the time limit prescribed in KRS 342.185.

"Section 11. That section 342.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) All fees of physicians and all charges of hospitals under this chapter shall be subject to the approval of the board.

(2) The Attorney of record representing a claimant under this chapter shall receive as his fee a sum equal to twenty-five percent of any award to his client, one-half of which shall be paid out of the award, and one-half shall be paid by the employer. The entire attorney's fee shall be paid in a lump sum directly to the attorney of record. The board may deny or reduce an attorney's fee upon proof of solicitation of employment."

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendment, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendment, having been dispersed with, said bill with amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Eugene H. Clark	Stanley Hoffman	Richard P. Moloney	
Augustus Cornett	Dr. J. E. Johnson	O. W. Montgomery	
Louis Cox	Alvin Kidwell	Jack R. Reynolds	
Archie Craft	Bert Kiser	Clay Shackleford	
Martin J. Duffy	James Lassiter	Leon Shaikun	
Ernest M. Ford	Homer E. Losey	Cortis K. Stacy	
Wayne Freeman	C. W. A. McCann	Paul Stapleton	
Julian Golden	James R. Mansfield	Sylvester Wagner	
Doug Hays	Earl F. Martin		
Thomas Hines	Strother Melton		—28

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator McCann moved that the rules of the Senate be suspended for the purpose of the introduction of a bill.

Said motion was agreed to.

INTRODUCTION OF BILL

A bill of the following title was introduced, viz:

By Senator McCann.

S. B. No. 267. AN ACT relating to motion picture film censorship.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It shall be the duty of the Department of Education to examine and censor as herein provided, all motion picture films to be publicly exhibited and displayed in the Commonwealth of Kentucky, except motion picture trailers, all of the scenes of which are included in a previously censored film. Such films shall be submitted to the department and passed and approved by it before they shall be delivered to the exhibitor for exhibition. The department shall charge a fee of three dollars for each reel of film to be censored which does not exceed one thousand linear feet and three dollars for each additional one thousand linear feet or fractional part thereof. All moneys so received shall be paid each week into the state treasury to the credit of the General Expenditure Fund, except as otherwise provided in section 2 of this Act. Any person, firm or corporation who shall publicly exhibit motion picture trailers exhibiting scenes ordered deleted by the Department of Education or exhibiting scenes which were not included as a part of the motion picture which it advertises, at the time it was censored, shall be subject to the penalty provisions of section 6 of this Act.

Section 2. Fifty per cent of all moneys received from the motion picture license fees collected under the provisions of section 1 of this Act, in excess of such amount as shall be necessary to pay the operating expenses, including salaries, of necessary personnel shall be paid into a fund to be used by the superintendent of public instruction for disseminating information relative to the history, scenic

beauties, natural resources, and industries of Kentucky, and for the creation, maintenance, administration and regulation of a suitable collection of visual aids for loan to the educational institutions of Kentucky. The total sum so set aside annually from the fees collected under section 1 of this Act are hereby and hereafter appropriated for the use of the Department of Education. Such funds shall be expended only upon the authority of vouchers approved by the superintendent of public instruction and no expenditure from such funds may be made except for the purposes enumerated in this section.

Section 3. Only such films as are in the judgment and discretion of the Department of Education of a moral, educational or amusing and harmless character shall be passed and approved by such department. When a film has been censored by the Department of Education a certificate showing the approval or rejection of such film shall be issued to the party submitting the film. When a film is passed and approved by the Department of Education such film shall be given an approval number which shall be shown on the certificate issued by the Department of Education to the party submitting the film. Such certificate shall also show the title of such film and all eliminations ordered from such film by the Department of Education. For each film so approved there shall also be issued by the Department of Education an official leader or stamp of approval of not less than three feet in length bearing the words "Approved by the Kentucky Department of Education" and the number assigned to such film on the certificate of approval. Such official leader or stamp of approval shall also contain an outlined map of the Commonwealth of Kentucky with the seal of the Commonwealth of Kentucky printed thereon. The Department of Education shall be authorized to recall any film for recensoring or to revoke any certificate permitting the exhibition of any film in the Commonwealth of Kentucky, whenever in the judgment of the Department of Education the public welfare requires it. Before any motion picture film shall be publicly exhibited all eliminations ordered by the Department of Edu-

cation shall have been made by the person or persons loaning, renting or leasing such film or films to the exhibitor for exhibition, and there shall be projected upon the screen the design of the official leader or stamp of approval of not less than three feet in length, issued by the Department of Education for such film.

Section 4. The Department of Education may work in conjunction with any censor board or boards of legal status of other states as a censor congress and the action of such congress in approving or rejecting films shall be considered as the action of the Department of Education and all films passed, approved, stamped and numbered by such congress, when the fees therefor have been paid to the Department of Education, shall be considered approved by the Department of Education.

Section 5. No films may be publicly shown or exhibited within the Commonwealth of Kentucky unless they have been passed and approved by the Department of Education or the censor congress and stamped and numbered by the Department of Education, or censor congress, as provided herein.

Section 6. Any person, firm or corporation who shall publicly exhibit or show any motion picture within the Commonwealth of Kentucky unless it shall have been passed and approved by the Department of Education shall upon conviction thereof, be fined not less than twenty-five dollars nor more than three hundred dollars, for the first offense, and shall be fined not less than three hundred dollars nor more than five hundred dollars for each separate subsequent offense. Any person, firm or corporation acting as a distributor of motion picture films who shall deliver any film or films to any exhibitor or other person for public exhibition within the Commonwealth of Kentucky before such film or films shall have been passed and approved by the Department of Education, shall upon conviction thereof, be fined not less than three hundred dollars nor more than five hundred, for the first offense, and shall be fined not less than five hundred dollars nor more than one thousand dol-

lars for each separate subsequent offense. Any person, firm or corporation acting as a distributor of motion picture films who shall deliver any film or films to any exhibitor or other person for public exhibition in the Commonwealth of Kentucky before eliminations, ordered by the Department of Education have been made, shall upon conviction thereof, be fined not less than three hundred dollars nor more than five hundred dollars, for the first offense, and not less than five hundred dollars nor more than one thousand dollars for each separate subsequent offense. Any person, firm or corporation who shall publicly exhibit or show any motion picture or film within the Commonwealth of Kentucky without having first projected upon the screen the design of the official leader or stamp of approval of not less than three feet in length, assigned to such film as shown on the certificate issued by the Department of Education, shall upon conviction thereof be fined not less than twenty-five dollars nor more than three hundred dollars, for each offense. Any person, firm or corporation acting as a distributor of motion picture films who shall deliver to an exhibitor or other person for public exhibition within the Commonwealth of Kentucky, any motion picture film to which is not attached or which is not accompanied by the leader of approval of not less than three feet in length, assigned to such film as shown on the certificate issued by the Department of Education, shall upon conviction thereof, be fined not less than twenty-five dollars nor more than three hundred dollars, for each offense. Any person, firm or corporation who shall publicly exhibit or show any motion picture within the Commonwealth of Kentucky that contains parts or sections that have been ordered eliminated by the Department of Education, or that contains any part or parts which have been added to the motion picture after the same has been censored and approved by the Department of Education, shall upon conviction thereof, be fined not less than twenty-five dollars nor more than three hundred dollars, for the first offense, and shall be fined not less than three hundred dollars nor more than five hundred dollars for each separate subsequent offense. Any person, firm or corporation act-

ing as a distributor of motion picture films who shall deliver any film or films to any exhibitor or other person for public exhibition within the Commonwealth of Kentucky, which film or films contain parts or sections that have been ordered eliminated by the Department of Education or which contain any part or parts that have been added after the original film or films have been censored and approved by the Department of Education, shall upon conviction thereof, be fined not less than three hundred dollars nor more than five hundred dollars for the first offense, and shall be fined not less than five hundred dollars nor more than one thousand dollars for each separate subsequent offense. Any person, firm or corporation who shall publicly exhibit or show within the Commonwealth of Kentucky any motion picture when the certificate permitting the exhibition thereof has been revoked under the provisions of section 3 of this Act, shall upon conviction thereof, be fined not less than twenty-five dollars nor more than three hundred dollars for the first offense, and shall be fined not less than three hundred dollars nor more than five hundred dollars for each separate subsequent offense. Any person, firm or corporation acting as a distributor of motion picture films who shall deliver to any exhibitor or other person for public exhibition within the Commonwealth of Kentucky any motion picture when the certificate permitting the exhibition thereof has been revoked under the provisions of section 3 of this Act, shall upon conviction thereof, be fined not less than three hundred dollars nor more than five hundred dollars for the first offense, and shall be fined not less than five hundred dollars nor more than one thousand dollars for each separate subsequent offense.

Section 7. Any person or agent, employe or officer of a corporation or firm who shall counterfeit such hereinbefore described official leader or stamp of approval or use or have in his possession such a counterfeit leader or any similar designation not issued by the Department of Education, shall upon conviction thereof, be fined not less than one hundred dollars nor more than three hundred dollars,

or be imprisoned not less than thirty days nor more than one year, or both, for each offense.

Section 8. Any person in interest being dissatisfied with any order of the Department of Education relative to the censoring of motion picture films may commence an action in the Franklin Circuit Court, against the Department of Education as defendant to set aside, vacate or amend any such order on the ground that the order is unreasonable or unlawful and the said Franklin Circuit Court is hereby authorized and vested with exclusive jurisdiction to hear and determine such action. The Department of Education shall be served with summons as in other civil cases. The answer of the Department of Education shall be filed within ten days after service of summons upon it and with its answer it shall file a certified transcript of its record in said matter. Upon the filing of said answer said action shall be at issue and shall be advanced and assigned for trial by the court, upon the application of either party, at the earliest possible date.

Section 9. An advisory board of three members is hereby created in the Department of Education, to be known as the Advisory Board of Film Censorship. The members of this board shall be appointed by the Governor, to serve during his pleasure, and shall receive no compensation, but shall be entitled to their actual and necessary expenses incurred in the performance of their official duties. Such board shall assist and advise the Department of Education in the examination and censorship of motion picture films.

Ordered that said bill be printed and referred to the Committee on Rules.

Senator Moloney moved that the Senate do now adjourn until 10 A.M., Thursday, March 13, 1952.

Said motion was agreed to.

And then the Senate adjourned.

THURSDAY, MARCH 13, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend Paul S. Stauffer, Pastor of the First Christian Church, of Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	James R. Mansfield	Paul Stapleton
Martin J. Duffy	Earl F. Martin	Otis C. Thomas
Ernest M. Ford	C. W. A. McCann	Wendell Van Hoose
Wayne Freeman	Strother Melton	Sylvester Wagner
Julian Golden	Richard P. Moloney	Ed P. Warinner
Doug Hays	O. W. Montgomery	John M. Williams
W. Thomas Hines	Jack R. Reynolds	E. V. Withers
Stanley Hoffman	Freeman Robinson	
Dr. J. E. Johnson	William J. Sample	—34

The following Senators were absent—

Bernard J. Bonn	James P. Hanratty	Homer E. Losey
Eugene H. Clark		—4

Senator Reynolds moved that the reading of the Journal of the Senate of the proceedings for Wednesday, March 12, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

INTRODUCTION OF BILL

A bill of the following title was introduced, viz:

By Senator Lassiter.

S. B. No. 268. AN ACT relating to man-made structures installed in streams.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The State Flood Control and Water Usage Board, created in KRS 104.390, is authorized to remove or to require the removal from any stream in this state of any man-made structure which impedes the free flow of water therein and which has been abandoned or has ceased to serve the purpose for which it was installed or any other useful purpose.

(2) The board may require the person who had control of such structure at the time when it was abandoned or ceased to serve a useful prupose to remove it. If, after ninety days notice to such person directing the removal of the structure, it has not been removed, the board may remove it and thereupon shall have a right of action against the person for the expense involved.

(3) Any person ordered to remove a structure under the provisions of subsection (2), and the officers, employes and agents of the board, shall have necessary access to any and all property for the purposes of carrying out the provisions of this Act.

Ordered that said bill be printed and referred to the Committee on Rules.

CALENDAR

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

S. Res. No. 34. A RESOLUTION authorizing the payment of attorneys' fees and costs of contestant and contestee in the contest case of Cox v. Hines.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision

as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 170. AN ACT to amend the Constitution of the Commonwealth of Kentucky relating to the subject of Officers for the State at Large, amending sections 84, 85, 87, 91, 92, 93 and 95 thereof.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 225. AN ACT proposing an amendment to section 186 of the Constitution of Kentucky, relating to the Common School Fund.

(With Amendment by way of Committee Substitute.)

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as

to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 76. AN ACT relating to the compensation of county tax commissioners.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 77. AN ACT relating to the office of county tax commissioner.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 49. A JOINT RESOLUTION providing for the payment of compensation for services rendered and expenses incurred in connection with and related to the present session of the General Assembly; appropriating money from the Legislative Session Fund for the purposes of such compensation; providing for the distribution of the money so appropriated; and declaring an emergency.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 50. A JOINT RESOLUTION for the benefit of officers and employes of the Senate and the House of Representatives, and declaring an emergency.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 51. A JOINT RESOLUTION providing for payment of ministers of the churches of Frankfort, Kentucky, for performing the duties of chaplin for the General Assembly.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 259. AN ACT to amend Section 271.155, Kentucky Revised Statutes, relating to shares, classes, and series of stock of private corporations.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 266. AN ACT relating to the terms of court in the twenty-third Judicial District.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 214. AN ACT concerning regulation of the manufacture, sale, transportation, distribution and use of economic poisons and devices, including fungicides, rodenticides and herbicides.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 93. AN ACT relating to the licensing of dogs.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 265. AN ACT relating to reemployment of public officers and employes upon return from military service.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 247. AN ACT relating to officers who shall not practice law.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 206. AN ACT relating to support of dependents.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 236. AN ACT relating to the arrest and delivery of a person guilty of a felony in another state.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 264. AN ACT concerning certificates of births.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

Senator Moloney moved that the Senate do now recess until 1 P.M.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President of the Senate resumed the chair and presided over the Senate.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample of the Committee on Enrollment reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

H. B. No. 87. AN ACT authorizing water districts to acquire, develop, maintain and operate gas systems.

H. B. No. 39. AN ACT relating to public library service and making an appropriation therefor.

H. B. No. 24. AN ACT relating to state aid for district tuberculosis sanatoria, amending section 215.320 of the Kentucky Revised Statutes.

H. B. No. 53. AN ACT concerning certain changes in the provisions concerning the involuntary dissolution of private corporations.

H. B. No. 143. AN ACT relating to the Department of Agriculture, Labor and Statistics.

H. B. No. 145. AN ACT relating to unemployment insurance and amending KRS 341.030 (5), (6) and (7); KRS 341.090 (3); KRS 341.145; KRS 341.200; KRS 341.230; KRS 341.260; KRS 341.270; KRS 341.300; KRS 341.310; KRS 341.370 (4) and (5); KRS 341.380; KRS 341.390; KRS 341.420 (3); KRS 341.540; and KRS 341.990 (5).

H. B. No. 122. AN ACT relating to time of payment of Teachers' Retirement annuities.

H. B. No. 133. AN ACT relating to the disposition of fines and forfeitures resulting from convictions for violations of the provisions of sections 189.221, 189.222, and 189.270 of the Kentucky Revised Statutes.

H. B. No. 159. AN ACT relating to the offering and paying of rewards for the apprehension and conviction of persons guilty of stealing cattle or other domestic animals.

H. B. No. 171. AN ACT relating to labor organizations.

H. B. No. 228. AN ACT relating to Workmen's Compensation.

H. B. No. 237. AN ACT relating to collection of taxes in fifth-class cities.

H. B. No. 271. AN ACT relating to the taxation of special fuels.

H. B. No. 279. AN ACT relating to the practice of Chiropody.

H. B. No. 275. AN ACT relating to the excise tax on gasoline.

H. B. No. 284. AN ACT relating to Game and Fish.

H. B. No. 312. AN ACT relating to traffic regulations and equipment of vehicles.

H. B. No. 326. AN ACT relating to eminent domain.

H. B. No. 330. AN ACT relating to fees of County Judges.

H. B. No. 368. AN ACT appropriating money out of the General Expenditure Fund for the fiscal year ending June 30, 1952, for expenses of sessions of the General Assembly, and declaring an emergency to exist.

H. B. No. 369. AN ACT relating to the Division of Publicity, amending KRS 146.060.

H. B. No. 403. AN ACT relating to depositories of state funds and moneys; amending KRS 41.240.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate affixed his signature thereto.

Ordered that the Chief Clerk of the Senate deliver the original and enrolled copies of said bills to the Enrolling Clerk of the House.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills which originated in that body of the following titles, viz:

H. B. No. 313. AN ACT concerning classification of property subject only to taxation by the state.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The introductory phrase and subsection (4) of section 132.200 of the Kentucky Revised Statutes is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(4) Machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw materials actually on hand at their plants for the purpose of manufacture, except as otherwise provided in KRS 91.260. Individuals or corporations actually engaged in the printing, publication or distribution of a newspaper or operating a job printing plant or a radio station or a television station shall be deemed to be actually engaged in manufacturing.

H. B. No. 377. AN ACT amending Section 417.040 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The award of the arbitrators shall be in writing and signed by them and the umpire, if any, and shall be a final settlement of the controversy between the parties. It shall bind all parties. Copies of the award shall be given within a reasonable time to each party. An action by ordinary proceeding may be maintained by either party against the other for a failure to perform the award.

H. B. No. 394. AN ACT changing the classification of the City of Highland Heights, in Campbell County.

Said bill is as follows, viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Highland Heights, in Campbell County, is such as to justify its being assigned to the fifth class of cities.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Highland Heights, in Campbell County, is transferred from the sixth to the fifth class of cities.

H. B. No. 395. AN ACT relating to the excise tax on alcoholic beverages.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 243.740 of the Kentucky Revised Statutes is amended to read as follows:

(1) The person who pays the tax imposed by KRS 243.720 on any alcoholic beverage shall evidence the payment by the purchase and affixing of stamps issued by the Department. He shall place these stamps upon each retail container in such a manner as the Department prescribes.

(2) The wholesaler who purchases or otherwise acquires title to any alcoholic beverage made taxable by KRS 243.720 shall within twenty-four hours from the time he acquires possession of the alcoholic beverages, affix or cause to be affixed the stamps required by subsection (1), but if a wholesaler in purchasing or otherwise acquiring title to the alcoholic beverage resells or otherwise disposes of it without ever having actual possession of the alcoholic beverage he shall affix the stamps or cause them to be affixed before delivery of the alcoholic beverage is made to the purchaser or donee.

(3) Except as provided in KRS 243.780, the wholesaler who imports any alcoholic beverage in any retail container for eventual retail sale or distribution by gift or retail sale in this state shall pay the tax imposed by KRS 243.720 and affix the stamps upon the alcoholic beverage before it is sold or offered for sale or distribution by gift or sale. The tax shall be paid and the stamps shall be affixed within twenty-four hours after receipt of the alcoholic beverage by the importer.

(4) In the case of malt beverages, the commissioner may

order that persons selling to retailers affix the stamps to invoices. Malt beverage retailers shall keep all such stamped invoices for two years, for examination by the Department.

(5) In lieu of the affixture of stamps as the means of payment or evidencing payment of any of the taxes imposed by KRS 243.720, the Department of Revenue may prescribe, by rules and regulations designed reasonably to protect the revenue of the Commonwealth, a method of reporting, paying, and collecting such tax on any distilled spirits or wine without the use of stamps. If the Department prescribes a method other than the affixture to containers of any distilled spirits or wine of stamps or other visible evidence of the payment of such tax, the tax imposed upon such distilled spirits or wine by KRS 243.720 shall be paid on or before the 15th day of the calendar month next succeeding the month in which the wholesaler acquires possession or title of such distilled spirits or wine made taxable by KRS 243.720; and the reporting and payment thereof within the time prescribed by this subsection and in the manner prescribed by the Department of Revenue shall constitute a compliance with the provisions of KRS 243.740, 243.760, 243.770, 243.780, 243.820 and 243.840 relating to stamps or the affixture thereof.

Section 2. Section 243.730 of the Kentucky Revised Statutes is amended to read as follows:

Wholesalers of distilled spirits and wine may deduct from the amount of the tax collected under KRS 243.720 to 243.860 three per cent of the amount to cover expenses incident to the reporting and remitting of these taxes. This deduction shall be authorized only if the Department is satisfied that the wholesaler is keeping proper records and makes reports at the time and in the manner prescribed by the Department.

Ordered that said bills be printed and referred.

The message which was received from the House further announced that they had passed bills which originated in the Senate of the following titles, viz:

S. B. No. 108. AN ACT changing the classification of the City of Lakeside Park, in Kenton County.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

S. B. No. 48. AN ACT imposing a penalty for removing or altering numbers of motor vehicles or farm tractors, amending section 433.640 of the Kentucky Revised Statutes.

With amendment by way of House Rules Committee Substitute, as follows, viz:

RULES COMMITTEE SUBSTITUTE FOR S. B. No. 48.

AN ACT imposing a penalty for removing or altering numbers of motor vehicles or farm tractors, amending section 433.640 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.640 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who, for the purpose of defrauding another, cuts off, erases, defaces or in any manner removes or alters any serial number placed, by the manufacturer, on the motor or chassis of a motor vehicle or farm tractor shall be confined in the penitentiary for not less than one year nor more than five years.

(2) The ownership, possession or control of a motor vehicle or farm tractor on which any motor or chassis serial number has been altered, defaced or removed, shall be prima facie evidence that the altering, defacing or removing was done by the person owning, possessing or having control of the motor vehicle or farm tractor.

In which the House respectfully asks the Senate to concur.

The message which was received from the House further announced that the House was returning H. B. No. 125 to the Senate, at the request of the Senate, for further consideration.

Said bill is entitled as follows, viz:

H. B. No. 125. AN ACT relating to common schools with particular reference to entrance age requirements.

REPORT OF COMMITTEE ON RULES

Honorable Emerson Beauchamp, Chairman of the Committee on Rules, to which same had been referred previously, reported bills of the following titles, viz:

S. B. No. 16. AN ACT to amend and re-enact Section 145 of the Constitution of the Commonwealth of Kentucky.

H. B. No. 8. AN ACT relating to schools.

H. B. No. 222. AN ACT relating to Alimony and Divorce Actions, amending and re-enacting section 423 of Carroll's Code of Civil Practice.

H. B. No. 65. AN ACT concerning clerks and treasurers of cities of the fourth class.

H. B. No. 55. AN ACT concerning pay of jurors.

S. B. No. 61. AN ACT relating to the equipment of railtrack motor cars used or furnished by common carriers by railroad for transporting employes; providing for the extension of necessary time in which to equip said cars; and penalizing those carriers who operate or furnish for operation such unequipped cars to their employes for transportation to or from their place or places of labor.

H. B. No. 308. AN ACT changing the classifiaction of the City of Shively, in Jefferson County, Kentucky.

H. B. No. 187. AN ACT concerning assets of the Kentucky Rural Rehabilitation Corporation.

H. B. No. 333. AN ACT relating to public welfare in cities of first class.

H. B. No. 431. AN ACT relating to fiscal courts.

H. B. No. 307. AN ACT relating to persons performing services in connection with the taking, recording and transcribing of evidence or judicial proceedings in counties having a population of 150,000 or more, including but not limited to provisions concerning the compensation and fees of such persons, and amending and re-enacting KRS 28.440.

With the expression of opinion that same should pass.

Thereupon said bills were each and severally read at length and

Ordered placed in the Calendar.

H. B. No. 140. AN ACT relating to reports required in connection with motor vehicle accidents.

With expression of opinion that same should pass with amendment by way of Committee Substitute, which is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 187.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) The operator of every motor vehicle which is in any manner involved in an accident within this state, in which any person is killed or injured or in which total property damage of one hundred dollars ($100.00) or more is sustained, shall within ten days report the matter in writing to the Department of State Police for preliminary processing after which time the report shall be forwarded to the Department of Revenue for additional and final processing. If such operator be physically incapable of making such report, the owner of the motor vehicle involved in such accident, shall, as soon as he learns of the accident, report the matter in writing to the department. The operator or the owner shall make such other and additional reports relating to such accident as the department shall require.

Section 2. Subsection (2) of Section 189.580 of the Kentucky Revised Statutes is amended to read as follows:

The operator of a vehicle involved in an accident resulting in injury to or death of any person or in which total property damage of one hundred dollars $100.00) or more is sustained shall within ten days report the matter in writing to the Department of State Police.

Thereupon said bill, with amendment by way of Committee Substitute, was read at length and

Ordered placed in the Calendar.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 402. AN ACT relating to the office of sheriff and to the payment and collection of taxes.

Senator Shaikun offered the following amendments, viz:
Amendment No. 1.

Amend printed copy of H. B. No. 402 on page 2, line 16 by deleting the period after the word "bills" and before the word "the" and by adding in lieu thereof the following: provided, however, in counties containing a population of 75,000 or over, the receipt shall show the total amount due each taxing district as shown upon the unpaid and partially paid tax bills.
Amendment No. 2.

By inserting the following as subsection (5) between line 49 and line 1:

"(5) The outgoing sheriff shall be allowed and paid in accordance with KRS 64.140 and 64.530 the reasonable expenses actually incurred in preparing the receipt required under this section. Reasonable expenses actually incurred may include office expenses and salaries of himself, deputies and employes paid in accordance with the schedule of the previous year or the amount paid an auditor necessary in determining, verifying and recording the unpaid and partially paid tax bills turned over to the incoming sheriff."

Senator Shaikun moved the adoption of Amendment No. 1.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Shaikun moved the adoption of Amendment No. 2.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Shaikun moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendments, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendments, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendments, having been dispensed with, said bill, with amendments, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendments, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	James Lassiter	Leon Shaikun
Augustus Cornett	James R. Mansfield	Cortis K. Stacy
Louis Cox	Earl F. Martin	Paul Stapleton
Archie Craft	Strother Melton	Otis C. Thomas
Martin J. Duffy	Richard P. Moloney	Wendell Van Hoose
Doug Hays	O. W. Montgomery	Sylvester Wagner
Julian Golden	Jack R. Reynolds	Ed P. Warinner
Dr. J. E. Johnson	Freeman Robinson	John M. Williams
Alvin Kidwell	William J. Sample	E. V. Withers
Bert Kiser	Clay Shackleford	—29

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendments, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 415. AN ACT relating to banking.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Bert Kiser	Clay Shackleford
Augustus Cornett	James Lassiter	Leon Shaikun
Louis Cox	Homer E. Losey	Cortis K. Stacy
Archie Craft	Earl F. Martin	Paul Stapleton
Martin J. Duffy	Strother Melton	Otis C. Thomas
Julian Golden	Richard P .Moloney	Wendell Van Hoose
Doug Hays	O. W. Montgomery	Sylvester Wagner
Stanley Hoffman	Jack R. Reynolds	Ed P. Warinner
Dr. J. E. Johnson	Freeman Robinson	John M. Williams
Alvin Kidwell	William J. Sample	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a resolution entitled, viz:

S. Res. No. 9. A JOINT RESOLUTION authorizing the payment to B. N. Gordon, an attorney, claims for services as special judge of the Hopkins Circuit Court.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Bert Kiser	Clay Shackleford
Augustus Cornett	James Lassiter	Leon Shaikun
Louis Cox	Homer E. Losey	Cortis K. Stacy
Archie Craft	Earl F. Martin	Paul Stapleton
Ernest M. Ford	Strother Melton	Otis C. Thomas
Julian Golden	Richard P. Moloney	Wendell Van Hoose
Doug Hays	O. W. Montgomery	Sylvester Wagner
Stanley Hoffman	Jack R. Reynolds	John M. Williams
Dr. J. E. Johnson	William J. Sample	E. V. Withers
Alvin Kidwell		

—28

There voted in the negative—

Ed P. Warinner —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a resolution entitled, viz:

S. Res. No. 30. A JOINT RESOLUTION authorizing and directing payment of a claim of The Rowland Paper Company.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Louis Cox	Ernest M. Ford
Bernard J. Bonn	Archie Craft	Julian Golden

Doug Hays	Strother Melton	Cortis K. Stacy
Stanley Hoffman	Richard P. Moloney	Paul Stapleton
Dr. J. E. Johnson	O. W. Montgomery	Otis C. Thomas
Alvin Kidwell	Jack R. Reynolds	Wendell Van Hoose
Bert Kiser	William J. Sample	Sylvester Wagner
James Lassiter	Clay Shackleford	John M. Williams
Homer E. Losey	Leon Shaikun	E. V. Withers
Earl F. Martin		—28

There voted in the negative—

Ed P. Warinner —1

Resolved that he title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a resolution entitled, viz:

S. RES. No. 32. A JOINT RESOLUTION authorizing the Fiscal Court of Calloway County to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with,

said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Bert Kiser	Clay Shackleford
Bernard J. Bonn	James Lassiter	Leon Shaikun
Louis Cox	Homer E. Losey	Cortis K. Stacy
Archie Craft	Earl F. Martin	Otis C. Thomas
Ernest M. Ford	Strother Melton	Paul Stapleton
Julian Golden	Richard P. Moloney	Wendell Van Hoose
Doug Hays	O. W. Montgomery	Sylvester Wagner
Stanley Hoffman	Jack R. Reynolds	John M. Williams
Dr. J. E. Johnson	William J. Sample	E. V .Withers
Alvin Kidwell		—28

There voted in the negative—

Ed P. Warinner —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a resolution entitled, viz:

S. RES. No. 10. A JOINT RESOLUTION authorizing Harry Bowman to file suit against the Commonwealth of Kentucky, the State Department of Welfare, State Division of Hospitals and Mental Hygiene, and Central State Hospital, or any one or more of them.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Bert Kiser	Clay Shackleford
Augustus Cornett	James Lassiter	Leon Shaikun
Louis Cox	Homer E. Losey	Cortis K. Stacy
Archie Craft	Earl F. Martin	Paul Stapleton
Ernest M. Ford	Strother Melton	Otis C. Thomas
Julian Golden	Richard P. Moloney	Wendell Van Hoose
Doug Hays	O. W. Montgomery	Sylvester Wagner
Stanley Hoffman	Jack R. Reynolds	John M. Williams
Dr. J. E. Johnson	William J. Sample	E. V. Withers
Alvin Kidwell		—28

There voted in the negative—

Ed P. Warinner —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 23. A RESOLUTION authorizing the payment of costs and attorneys' fees in the contest case of Frazier v. Greene.

Senator Moloney moved the adoption of Amendment No. 1, as follows, viz:

Amendment No. 1 to H. Res. No. 23.

By striking the sum of $600 where it appears on pages 1 and 2 of the printed bill and substituting in lieu therefor the figures $300.00, also by striking the sum of $300 where it appears on pages 1 and 2 and substituting in lieu therefor the sum of $150.00.

Said motion was agreed to.

Therefore said amendment was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution, with amendment, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution, with amendment, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution, with amendment, having been dispensed with, said resolution, with amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution, with amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	Earl F. Martin	Otis C. Thomas
Ernest M. Ford	Strother Melton	Wendell Van Hoose
Julian Golden	Richard P. Moloney	Sylvester Wagner
Doug Hays	O. W. Montgomery	John M. Williams
Stanley Hoffman	Jack R. Reynolds	E. V. Withers
Dr. J. E. Johnson	William J. Sample	
Alvin Kidwell	Clay Shackleford	—28

There voted in the negative—

Ed P. Warinner —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution, with amendment, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 40. A JOINT RESOLUTION providing for the purchase and distribution of copies of the Kentucky Directory, 1952 Edition.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length he third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Bert Kiser	Clay Shackleford
Augustus Cornett	James Lassiter	Leon Shaikun
Louis Cox	Homer E. Losey	Cortis K. Stacy
Archie Craft	Earl F. Martin	Paul Stapleton
Ernest M. Ford	Strother Melton	Otis C. Thomas
Julian Golden	Richard P. Moloney	Wendell Van Hoose
Doug Hays	O. W. Montgomery	Sylvester Wagner
Stanley Hoffman	Jack R. Reynolds	John M. Williams
Dr. J. E. Johnson	William J. Sample	E. V. Withers
Alvin Kidwell		

–28

There voted in the negative—

Ed P. Warinner –1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a resolution entitled, viz:

S. RES. No. 28. A JOINT RESOLUTION authorizing and directing the payment of certain claims to Walter Deaton, sheriff of Breathitt County.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Bert Kiser	Clay Shackleford
Augustus Cornett	James Lassiter	Leon Shaikun
Louis Cox	Homer E. Losey	Cortis K. Stacy
Archie Craft	Earl F. Martin	Paul Stapleton
Ernest M. Ford	Strother Melton	Otis C. Thomas
Julian Golden	Richard P. Moloney	Wendell Van Hoose
Doug Hays	O. W. Montgomery	Sylvester Wagner
Stanley Hoffman	Jack R. Reynolds	John M. Williams
Dr. J. E. Johnson	William J. Sample	E. V. Withers
Alvin Kidwell		—28

There voted in the negative—

Ed P. Warinner —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Rules Committee, the Senate took up

for consideration from the Orders of the Day, a bill of the following title, viz:

H. B. No. 276. AN ACT relating to income taxation.

Senator Moloney offered amendments as follows, viz:

COMMITTEE AMENDMENT NO. 1 to HOUSE BILL NO. 276

By striking sub-section 2, of section 10, in page 8, lines 25-33 in its entirety, and by striking on line 34 the figure "(3)" and inserting in lieu thereof the following "(2)".

AMENDMENT NO. 2

Amend printed copy of H. B. No. 276, on page 5, section 6, line 6-14 (inclusive)

By deleting from lines 6-14 (inclusive) all of that part following "in the case of natural resources" and substituting in place thereof the following:

allowances for depletion equivalent to those allowed for federal income tax purposes other than (1) timber, and (2) property enumerated in Section 319 (4) (A) (ii) Federal Revenue Act of 1951 disposed of by lease or under any form or type of contract by virtue of which the owner retains an economic interest in such property; in the case of timber, allowances for depletion equivalent to those allowed under the federal income tax law in effect on August 7, 1936. In the case of property as defined in (2) of this subsection, the depletion allowed an owner-lessor shall be at the same production unit rate allowed the lessee-operator before application of the net income limiting provision, and shall be in addition to any cost deduction allowed for federal income tax purposes. Provided that in no case shall the deduction allowed for percentage depletion exceed fifty per cent of the net income computed without consideration of the percentage depletion allowance.

Senator Moloney moved the adoption of Amendment No. 1.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the adoption of Amendment No. 2.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendments, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendments, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendments, having been dispensed with, said bill, with amendments, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, as amended, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Archie Craft	James Lassiter	Paul Stapleton
Martin J. Duffy	Homer E. Losey	Otis C. Thomas
Ernest M. Ford	Strother Melton	Wendell Van Hoose
Julian Golden	Richard P. Moloney	Sylvester Wagner
Doug Hays	O. W. Montgomery	John M. Williams
Stanley Hoffman	Jack R. Reynolds	E. V. Withers
Dr. J. E. Johnson	William J. Sample	—26

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill,

with amendments, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

INTRODUCTION OF BILL

A bill of the following title was introduced, viz:

By Senators Van Hoose, Losey, Cornett, Golden, Clark, Warinner, Thomas and Hines.

S. B. No. 269. AN ACT to amend the Constitution of Kentucky to provide for a bonus for citizens of Kentucky who served as members of the armed forces of the United States in any war.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Constitution of Kentucky shall be amended by including therein the following provision:

Upon a majority vote of the qualified voters of Kentucky, taken at an election to be provided by the General Assembly, the Commonwealth shall issue bonds upon such terms as the General Assembly may prescribe to raise a sum of money sufficient in amount to pay to each member of the armed forces of the United States in any war, who at the time of service was a citizen of Kentucky, a bonus not in excess of Five Hundred Dollars.

Ordered that said bill be printed and referred.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 141. AN ACT concerning licensing of motor vehicles.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	James Lassiter	Clay Shackleford
Augustus Cornett	Homer E. Losey	Cortis K. Stacy
Archie Craft	Earl F. Martin	Paul Stapleton
Martin J. Duffy	Strother Melton	Otis C. Thomas
Ernest M. Ford	Richard P. Moloney	Wendell Van Hoose
Julian Golden	O. W. Montgomery	Sylvester Wagner
Doug Hays	Jack R. Reynolds	John M. Williams
Stanley Hoffman	William J. Sample	E. V. Withers
Alvin Kidwell		—25

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Clerk of the Senate reported that H. B. No. 125 which had been previously passed by the Senate and which the Senate requested returned from the House for further action by the Senate was now ready for said action.

Thereupon Senator Reynolds moved that, inasmuch as the bill had previously had its three readings and was eligible for passage, that it be taken up for consideration.

Said motion was agreed to.

Said bill is entitled as follows, viz:

H. B. No. 125. AN ACT relating to common schools with particular reference to entrance age requirements.

Senator Reynolds then moved that the motion by which the vote to reconsider this bill, on March 12, 1952, was tabled, be reconsidered.

Said motion was unanimously agreed to.

Senator Reynolds moved that the vote by which said bill was passed be reconsidered.

Said motion was unanimously agreed to.

Senator Reynolds moved that the vote by which the previous question was adopted be reconsidered.

Said motion was unanimously agreed to.

Senator Reynolds moved that the vote by which amendment No. 1 was passed be reconsidered.

Said motion was unanimously agreed to.

Senator Reynolds then moved that H. B. No. 125 be taken from the Orders of the Day and put upon its passage.

Said motion was agreed to.

Senator Reynolds offered the following amendments, viz:

AMENDMENT NO. 1 COMMITTEE SUBSTITUTE TO H. B. NO. 125.

Page 2, Section 1, Line 12

By striking the word "September" and substituting in lieu thereof the word "December"

AMENDMENT NO. 2 COMMITTEE SUBSTITUTE TO H. B. NO. 125.

Page 2, line 20, section 1

By striking the word "September" and substituting in lieu thereof the word "December"

Senator Reynolds moved the adoption of Amendmetn No. 1.

Said motion was agreed to.

Senator Reynolds moved the adoption of Amendment No. 2.

Said motion was agreed to.

Senator Reynolds moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, as amended, be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill, as amended, be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the constitutional provision as to the third reading at length of said bill, with amendments, having been dispensed with, said bill, with amendments, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendments, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Augustus Cornett	Bert Kiser	Clay Shackleford
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	Earl F. Martin	Otis C. Thomas
Julian Golden	O. W. Montgomery	Sylvester Wagner
Doug Hays	Jack R. Reynolds	Ed P. Warinner
W. Thomas Hines	Freeman Robinson	John M. Williams

—24

Those who voted in the negative were—

Ernest M. Ford	Alvin Kidwell	Richard P. Moloney
Stanley Hoffman	Strother Melton	E. V. Withers

—6

Resolved that the title be as aforesaid.

Senator Moloney moved that the vote by wihch said bill, as amended, was passed, be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 42. AN ACT concerning clinical psychologist.

Senator Johnson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Dr. J. E. Johnson
Augustus Cornett	W. Thomas Hines	Bert Kiser
Wayne Freeman	Stanley Hoffman	Homer E. Losey

James R. Mansfield	Freeman Robinson	Sylvester Wagner
Earl F. Martin	William J. Sample	Ed P. Warinner
Richard P. Moloney	Cortis K. Stacy	E. V. Withers
O. W. Montgomery	Otis C. Thomas	—20

There voted in the negative—

Paul Stapleton —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the Senate do now adjourn until 3 P.M., Monday, March 17, 1952.

Said motion was agreed to.

And then the Senate adjourned.

MONDAY, MARCH 17, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by Monsignor Joseph A. O'Dwyer, of the Church of the Good Shepherd, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

Bernard J. Bonn	W. Thomas Hines	C. W. A. McCann
Eugene H. Clark	Stanley Hoffman	Strother Melton
Louis Cox	Dr. J. E. Johnson	Richard P. Moloney
Archie Craft	Alvin Kidwell	O. W. Montgomery
Martin J. Duffy	Bert Kiser	Jack R. Reynolds
Wayne Freeman	James Lassiter	Freeman Robinson
Julian Golden	Homer E. Losey	William J. Sample
James P. Hanratty	James R. Mansfield	Clay Shackleford
Doug Hays	Earl F. Martin	Leon Shaikun

Cortis K. Stacy	Wendell Van Hoose	John M. Williams	
Paul Stapleton	Sylvester Wagner	E. V. Withers	
Otis C. Thomas	Ed P. Warinner		—35

The following Senators were absent:

H. Stanley Blake	Augustus Cornett	Ernest M. Ford	—3

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings for Thursday, March 13, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 187. AN ACT concerning assets of the Kentucky Rural Rehabilitation Corporation.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 307. AN ACT relating to persons performing services in connection with the taking, recording and transcrib-

ing of evidence or judicial proceedings in counties having a population of 150,000 or more, including but not limited to provisions concerning the compensation and fees of such persons, and amending and re-enacting KRS 28.440.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 333. AN ACT relating to public welfare in cities of first class.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 431. AN ACT relating to fiscal courts.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 140. AN ACT relating to reports required in connection with motor vehicle accidents.

(Amendment by way of Committee Substitute)

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 308. AN ACT changing the classification of the City of Shively, in Jefferson County, Kentucky.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 61. AN ACT relating to the equipment of rail-track motor cars used or furnished by common carriers by railroad for transporting employes; providing for the extension of necessary time in which to equip said cars; and penalizing those carriers who operate or furnish for operation such unequipped cars to their employes for transportation to or from their place or places of labor.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 55. AN ACT concerning pay of jurors.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 65. AN ACT concerning clerks and treasurers of cities of the fourth class.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 222. AN ACT relating to Alimony and Divorce Actions, amending and re-enacting section 423 of Carroll's Code of Civil Practice.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second

reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 8. AN ACT relating to schools.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 16. AN ACT to amend, and re-enact Section 145 of the Constitution of the Commonwealth of Kentucky.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills which originated in that body of the following titles, viz:

H. B. No. 28. AN ACT relating to game and fish.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 150.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2), (3), (4), (5), (6) and (8) of this section and subject to regulations adopted under this chapter, no person shall do any act authorized by any kind of license or permit provided for in this chapter with respect to game and fish unless he holds the kind of license or permit that authorizes such act. It is the specific purpose of this chapter to prohibit the taking or pursuing of any wildlife or wild animals protected or unprotected, or the angling in any stream or body of water, whether public or private, without the securing of the license provided for herein, except as provided in this section.

(2) A person under sixteen years of age may, without a trapping license, take wild animals by trapping, and, without a fishing license, take fish by anyling, or take minnows by use of a minnow seine.

(3) Resident landowners, their resident children and lessees on their lands may, without a fishing license, take fish from the waters therein by angling, such angling, in the case of public waters, to be from the bank only, and may, without a hunting license, take wild animals and wild birds therefrom (except by trapping), subject to the further provisions of this chapter.

(4) Residents or nonresidents attending and participating in any annual state or national field trial may so attend and participate without obtaining a hunting license.

(5) Any resident of this state who is sixty-five years of age or older may, without a hunting or fishing license, do any act authorized by such a license, but while so doing he must carry on his person an affidavit stating the year and place of his birth.

(6) The provisions of this chapter for the protection of wild animals shall not apply to any resident landowner of this state who kills on his land any wild animal that is causing damage to such land or to any personal property located thereon.

(7) In the event a reciprocal agreement is entered into between the Director of the Division of Game and Fish of this state, with the approval of the commission, and the similar authority of the State of Tennessee, pursuant to which persons holding a fishing license (Resident or Non-resident) or a statewide hunting license (Resident or Non-resident) or county hunting license issued in this state are permitted to perform the acts authorized by such license upon so much of the waters of any lake, extending across the boundary between Kentucky and Tennessee, as lies within the state of Tennessee, then any person holding a similar fishing license or hunting license issued in the State of Tennessee may, during the duration of such agreement, perform the acts authorized by such license upon so much of the waters of such lake as lies within this state, without having obtained a license therefor in this state.

(8) Any person of any age may at any time take a red fox without a license.

Section 2. Section 150.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild animal protected by this chapter except during the open season for the particular species as prescribed by the division. The open season for rabbits may be between November 1 and February 1 only, but shall not exceed a total of sixty days, consecutive or otherwise. The open season for mink, opossum, raccoon, skunk and muskrat may be between November 1 and February 15 only, but shall not exceed a total of sixty days, consecutive or otherwise, except that the division may allow an additional thirty days in which

opossum and raccoon may be hunted and taken by dog only. The open season for squirrel may be between August 1 and January 1 only, but shall not exeed a total of ninety days, consecutive or otherwise. The open season for pond, bull or jumbo frogs shall be such period as the division may prescribe. There shall be no open season for otter or beaver.

(2) The season for red fox shall be open throughout the year. Any county may provide for the payment of a bounty on red foxes of not in excess of one dollar per fox.

(3) The possession of any wild animals, fur bearers, or the raw fur thereof, when the season is not open, shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to possession of any such animal or fur by a trapper during the open season as prescribed by the division and fifteen days thereafter, or by a fur buyer during the open season and twenty days thereafter.

H. B. No. 112. AN ACT relating to county tax commissioner; election; qualifications; term; removal; resignation; deceased.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a county tax commissioner in each county in lieu of a county assessor.

(2) County tax commissioners shall be elected at the same time as provided for assessors in section 99 of the Constitution, and shall possess the qualifications required by section 100 of the Constitution and by KRS 132.380. They shall take office the first Monday in December and shall serve for a term of four years and until the election and qualification of their successors, except that tax commissioners elected in the year 1949 shall take office the first Monday in January, 1950, and shall serve until the first Monday in December, 1953, and until the election

and qualification of their successors. County tax commissioners shall be eligible for re-election.

(3) A county tax commissioner may be removed from office by the circuit court of his county, upon petition of the department or any taxpayer, for wilful disobedience of any just or legal order of the department, or for misfeasance or malfeasance in office or wilful neglect in the discharge of his official duties, but he or the petitnoner may appeal to the Court of Appeals.

(4) If a tax commissioner resigns or deceases before the expiration of his term of office, his personal compensation for that part of the year in which he performed his duties as tax commissioner shall be that portion of the current annual earnings of the office that the time which he served in the calendar year bears to the whole year. The personal compensation of the duly appointed or elected successor for that part of the year in which he performed his duties as tax commissioner shall be that portion of the current annual earnings of the office that the time which he served in the calendar year bears to the whole year.

H. B. No. 134. AN ACT relating to Workmen's Compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) section 342.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the parties fail to reach an agreement in regard to compensation under this chapter, or if they have previously filed such an agreement with the board and compensation has been paid or is due in accordance therewith and the parties thereafter disagree, either party may make written application to the board for a hearing in regard to the matter at issue and for a ruling thereon. Such application for a hearing must be filed as soon as is practicable after disagreement or after the cessation of voluntary payments, if any have been made.

Section 2. Section 342.265 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the employe and employer reach an agreement conforming to the provisions of this chapter in regard to compensation, a memorandum of the agreement shall be filed with the board by the employer, and, if approved by it, shall be enforceable as is herein provided for the enforcement of awards of the board. Nothing herein shall prevent the voluntary payment of compensation in the amounts and for the periods prescribed in this chapter without formal agreement, but nothing shall operate as a final settlement except a memorandum of agreement filed with and approved by the board in accordance with this section or the expiartion of the time limit prescribed in KRS 342.185.

(2) The time limit prescribed in KRS 342.185 for the making of a claim for compensation shall be tolled from the time an agreement is reached between the employe and employer until such time as the employer files with the board a memorandum thereof as if required in subsection (1). Failure of an employer to file with the board a memorandum of an agreement within thirty days after the agreement is reached shall result in any subsequent award of compensation being increased fifteen percent over and above the amount the employer would have otherwise been liable for.

H. B. No. 301. AN ACT relating to the working hours of policemen in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 95.495 of the Kentucky Revised Statutes is amended to read as follows:

In all cities of the second class within the Commonwealth of Kentucky, except those in which, by referendum ordinance, the patrolmen are employed or paid by the day, the members of the police department shall not be required to work more than eight hours per day for five days each week, except in the

event of an emergency. Each member of the police department in such cities of the second class shall have an annual leave of fifteen days with full pay.

H. B. No. 136. AN ACT relating to the equipment of rail track motor cars.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It shall be unlawful for any owner or operator of a railroad running through or within the boundaries of the Commonwealth of Kentucky and engaged in the business of a common carrier of both property and persons, or of either property or persons, for compensation, to operate for or furnish its employes to transport one or more of them to or from the place or places where they are required to labor for said owner or operator when said car is not equipped with a substantial top that will protect the inmates thereof from rain, snow, sleet and hail, and with a transparent windshield sufficient in width and height to protect the inmates of the car from wind or water, which windshield shall be made of material that is properly designated as unbreakable glass, and also such car shall be equipped with a permanently installed electric head lamp with such candle power as to render visible at a distance of three hundred feet in advance of such car at night, or during inclement or foggy weather in daytime, any obstruction, land mark, warning sign or grade crossing on such railroad and shall also be equipped with two electric red lights on the rear end thereof with sufficient candle power so as to be visible at a distance of three hundred feet in the rear of such car at night or during inclement or foggy weather in the daytime, and such car shall also be equipped with an electric windshield wiper that will efficiently remove rain, snow and sleet from the windshield on such car while such car is moving, and said windshield wiper shall be so devised that the driver of said car can start or stop said windshield wiper while he is driving the car.

Section 2. Any owner or operator of a railroad running through or within this state as a common carrier of persons or

property or both, for compensation, who either operates for its employes, or who furnishes to its employes for their transportation to or from the place or places where they are required to labor, a rail track motor car that has not been fully equipped as required by Section 1 of this Act, shall be fined not less than one hundred dollars, nor more than five hundred dollars for each offense, and each day or part of a day it operates or furnishes each of such rail track motor cars not so equipped as provided in Section 1 of this Act, to its employes for operation to or from the place or places where they are required to work shall constitute a separate offense; provided that any common carrier that has not been able to equip its rail track motor cars as required by the provisions of Section 1 of this Act, on or before the effective date thereof can, by applying to the Railroad Commission, which is hereby authorized to, and upon good cause shown, grant by order, additional time to any owner or operator of a common carrier by railroad, in which to equip such cars, not to exeed one year from the effective date of this Act and, when such an order has been granted by said Railroad Commission to such carrier, the provisions of this Act penalizing rail carriers who do not so equip their cars shall not be applicable to those carriers securing such an order for such additional time in which to so equip their cars during the period granted to them only by order of the Railroad Commission.

H. B. No. 113. AN ACT relating to the completion of tax roll by tax commissioner; filing of recapitulation and intangible schedules; correction of assessment; return and preservation of intangible schedules.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 133.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county tax commissioner shall complete the tax roll of all property in his county before December 1, 1949, April 15, 1951, and April 15 of each year thereafter, in accordance with law, and on or before that date he shall file with the Department

of Revenue, on blanks to be forwarded by the department, a recapitulation of all property assessed on said tax roll with his official certificate attached thereto. Such recapitulation shall show the assessment of property by types of property and by taxing districts. However, at the request of the county tax commissioner, the Department of Revenue may waive the requirement for filing the recapitulation if it appears to the department that this is necessary and desirable.

(2) The tax commissioner shall file with the Department of Revenue, at the same time that the recapitulation required under subsection (1) of this section is filed, the schedules containing a list of the intangible personal property. Within two weeks after receiving the recapitulation and schedules, the Department of Revenue shall direct the tax commissioner to make the changes that are necessary to correct the assessment. After the tax commissioner has made the necessary correction in assessment and records thereof, he shall return such intangible schedules to the Department of Revenue, and it shall preserve such schedules or a photographic facsimile thereof for a period of twelve years from the assessment date.

Ordered that said bills be printed and referred.

A message which was received from the House of Representatives further announced that they had passed bills which originated in the Senate of the following titles, viz:

S. B. No. 151. AN ACT concerning organization and government of cities of the first class and agencies thereof, repealing sections 69.420, 91.010, 91.030, 91.040, 91.050, 91.070, 93.030 (2) and (3), 93.040, 93.130, 93.140, 93.150, 93.160, 93.170, 93.180, 93.190, 93.200, 93.210, 93.220, 93.230, 93.240, 93.250, 93.260, 93.270, 95.080, 95.100, 95.110, 95.120, 95.130, 95.140, 95.150, (2), (3), (4), and (5), 95.190, 95.220, 95.230, 95.240, 95.250, 95.260, 95.280, 95.300, 95.310, 95.320, 95.330, 95.340, 95.350, 95.360, 95.370, 95.380, 95.390, 95.400, 95.410, 95.420, 97.254, 97.256, 97.258, and 98.020 of the Kentucky Revised Statutes and amending sections 93.060, 93.110, 93.120, 95.160, 95.180, 95.200 and 95.290 of the Kentucky Revised Statutes.

S. B. No. 215. AN ACT relating to the construction of

bridges by adjoining states over boundary line streams between this state and another and the reciprocal exemption thereof from taxes.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

INTRODUCTION OF RESOLUTION

A resolution of the following title was introduced, viz:

By Senator Sample.

S. RES. No. 36. A JOINT RESOLUTION authorizing Lewis Ratliff to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. Lewis Ratliff is authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in the Wolfe Circuit Court for damages in the sum of ten thousand dollars, resulting from personal injury caused by the alleged negligence on the part of an employe of the Department of Highways of the Commonwealth of Kentucky, while said employe was in the line of duty as an employe of the Department of Highways of the Commonwealth of Kentucky.

Section 2. The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund, and upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 3. In event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

Section 4. No statement in this Resolution shall be considered by either the court or jury as an admission of negligence

on the part of the Commonwealth, and this Resolution shall not be introduced as evidence or commented upon by counsel in recommendation to the jury.

Ordered that said resolution be printed and referred.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. RES. No. 34. A RESOLUTION authorizing the payment of attorneys' fees and costs of contestant and contestee in the contest case of Cox v. Hines.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said resolution be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Archie Craft	Julian Golden
Bernard J. Bonn	Martin J. Duffy	Doug Hays
Eugene H. Clark	Ernest M. Ford	Stanley Hoffman
Louis Cox	Wayne Freeman	Dr. J. E. Johnson

Alvin Kidwell	Richard P. Moloney	Paul Stapleton
Bert Kiser	O. W. Montgomery	Otis C. Thomas
James Lassiter	Jack R. Reynolds	Wendell Van Hoose
Homer E. Losey	Freeman Robinson	Sylvester Wagner
C. W. A. McCann	William J. Sample	Ed P. Warinner
James R. Mansfield	Clay Shackleford	John M. Williams
Earl F. Martin	Leon Shaikun	E. V. Withers
Strother Melton	Cortis K. Stacy	—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At this time the President of the Senate vacated the chair. Senator Cox, President Pro Tem, assumed the chair and presided over the Senate.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 170. AN ACT to amend the Constitution of the Commonwealth of Kentucky relating to the subject of Officers for the State at Large, amending sections 84, 85, 87, 91, 92, 93 and 95 thereof.

Senator Moloney moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken on said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Louis Cox	Alvin Kidwell	William J. Sample
Archie Craft	Bert Kiser	Clay Shackleford
Ernest M. Ford	C. W. A. McCann	Leon Shaikun
Doug Hays	James R. Mansfield	Cortis K. Stacy
Stanley Hoffman	Strother Melton	Sylvester Wagner
Dr. J. E. Johnson	O. W. Montgomery	—17

Those who voted in the negative were—

H. Stanley Blake	Thomas Hines	Freeman Robinson
Bernard J. Bonn	James Lassiter	Paul Stapleton
Eugene H. Clark	Homer E. Losey	Otis C. Thomas
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Julian Golden	Richard P. Moloney	Ed P. Warinner

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Thereupon said bill was rejected.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 225. AN ACT proposing an amendment to section 186 of the Constitution of Kentucky, relating to the Common School Fund.

Senator Moloney moved that the Senate do now adopt amendment by way of Committee Substitute. (For Committee Substitute see S. J. of March 12, 1952.)

Said motion was agreed to.

And thereupon said amendment by way of Committee Substitute therefor was adopted.

Senator Moloney moved the Previous Question on S. B. No. 225, with amendment by way of Committee Substitute.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment by way of Committee Substitute, be engrossed and read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendment by way of Committee Substitute, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional procision as to the third reading at length of said bill, with amendment by way of Committee Substitute, having been dispensed with, and same having been engrossed, said bill, with amendment by way of Committee Substitute, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment by way of Committee Substitute, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	O. W. Montgomery
Bernard J. Bonn	Dr. J. E. Johnson	Jack R. Reynolds
Eugene H. Clark	Alvin Kidwell	Freeman Robinson
Louis Cox	Bert Kiser	William J. Sample
Archie Craft	James Lassiter	Clay Shackleford
Martin J. Duffy	Homer E. Losey	Cortis K. Stacy
Ernest M. Ford	C. W. A. McCann	Otis C. Thomas
Wayne Freeman	James R. Mansfield	Wendell Van Hoose
Julian Golden	Earl F. Martin	Ed P. Warinner
Doug Hays	Strother Melton	John M. Williams
Thomas Hines	Richard P. Moloney	E. V. Withers

—33

Those who voted in the negative were—

Leon Shaikun Paul Stapleton Sylvester Wagner —3

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment by way of Committee Substitute, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At this time Senator Cox, President Pro Tem, vacated the chair. Hon. Emerson Beauchamp, President of the Senate, resumed the chair and presided over the Senate.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 259. AN ACT to amend Section 271.155, Kentucky Revised Statutes, relating to shares, classes, and series of stock of private corporations.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	Freeman Robinson
Bernard J. Bonn	Alvin Kidwell	William J. Sample
Eugene H. Clark	Bert Kiser	Clay Shackleford
Louis Cox	James Lassiter	Leon Shaikun
Archie Craft	Homer E. Losey	Cortis K. Stacy
Martin J. Duffy	C. W. A. McCann	Paul Stapleton
Ernest M. Ford	James R. Mansfield	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	Strother Melton	Sylvester Wagner
Doug Hays	Richard P. Moloney	Ed P. Warinner
Thomas Hines	O. W. Montgomery	John M. Williams
Stanley Hoffman	Jack R. Reynolds	E. V. Withers

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Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that, inasmuch as S. B. No. 170 had previously had its three readings and was eligible for passage, that it be taken up for consideration.

Said motion was agreed to.

Said bill is entitled as follows, viz:

S. B. No. 170. AN ACT to amend the Constitution of the Commonwealth of Kentucky relating to the subject of Officers for the State at Large, amending sections 84, 85, 87, 91, 92, 93 and 95 thereof.

Senator Moloney then moved that the motion by which the vote to reconsider this bill (at a previous hour on this date) was tabled, be reconsidered.

Said motion was unanimously agreed to.

Senator Moloney moved that the vote by which said bill was lost be reconsidered.

Said motion was unanimously agreed to.

Senator Moloney moved that the vote by which the previous question was adopted be reconsidered.

Said motion was agreed to.

Senator Moloney then moved that S. B. No. 170 be taken from the Orders of the Day and put upon its passage.

Said motion was agreed to.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Bert Kiser	William J. Sample
Louis Cox	James Lassiter	Clay Shackleford
Archie Craft	C. W. A. McCann	Leon Shaikun
Martin J. Duffy	James R. Mansfield	Cortis K. Stacy
Ernest M. Ford	Strother Melton	Paul Stapleton
Doug Hays	Richard P. Moloney	Sylvester Wagner
Stanley Hoffman	O. W. Montgomery	John M. Williams
Dr. J. E. Johnson	Jack R. Reynolds	E. V. Withers
Alvin Kidwell		

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Those who voted in the negative were—

H. Stanley Blake	Homer E. Losey	Otis C. Thomas
Eugene H. Clark	Earl F. Martin	Wendell Van Hoose
Julian Golden	Freeman Robinson	Ed P. Warinner
Thomas Hines		—10

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 265. AN ACT relating to reemployment of public officers and employes upon return from military service.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Eugene H. Clark	Archie Craft
Bernard J. Bonn	Louis Cox	Martin J. Duffy

Ernest M. Ford	Homer E. Losey	Clay Shackleford
Wayne Freeman	James R. Mansfield	Leon Shaikun
Julian Golden	Earl F. Martin	Cortis K. Stacy
Doug Hays	C. W. A. McCann	Paul Stapleton
W. Thomas Hines	Strother Melton	Otis C. Thomas
Stanley Hoffman	Richard P. Moloney	Wendell Van Hoose
Dr. J. E. Johnson	O. W. Montgomery	Sylvester Wagner
Alvin Kidwell	Jack R. Reynolds	Ed P. Warinner
Bert Kiser	Freeman Robinson	John M. Williams
James Lassiter	William J. Sample	E. V. Withers

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Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 266. AN ACT relating to the terms of court in the twenty-third Judicial District.

Senator Reynolds moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	O. W. Montgomery
Bernard J. Bonn	Dr. J. E. Johnson	Jack R. Reynolds
Eugene H. Clark	Alvin Kidwell	Freeman Robinson
Louis Cox	Bert Kiser	William J. Sample
Archie Craft	James Lassiter	Clay Shackleford
Martin J. Duffy	Homer E. Losey	Cortis K. Stacy
Ernest M. Ford	C. W. A. McCann	Otis C. Thomas
Wayne Freeman	James R. Mansfield	Wendell Van Hoose
Julian Golden	Earl F. Martin	Ed P. Warinner
Doug Hays	Strother Melton	John M. Williams
Thomas Hines	Richard P. Moloney	E. V. Withers

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Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Blake moved that the rules of the Senate be suspended for the purpose of the introduction of a bill.

Said motion was agreed to.

INTRODUCTION OF A BILL

A bill of the following title was introduced, viz:

By Senator Blake.

S. B. No. 270. AN ACT relating to the credits allowed individual income tax payers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 141.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The taxes due as computed under the provisions of

KRS 141.020 or under the provisions of KRS 141.025 shall be credited with the following amounts:

(a) Twenty dollars, in the case of an unmarried individual;

(b) Fifty dollars, in the case of a married individual, living with husband or wife, and in the case of a head of a family. If such husband and wife make separate returns, the tax credit allowed by this subsection may be taken by either or divided between them;

(c) Ten dollars for each person, other than husband or wife, or the first dependent of a head of a family, dependent upon and receiving more than fifty percent of his support from the taxpayer during the taxable year for which the return is filed, if the dependent person is under eighteen years of age or is incapabel of self-support because mentally or physically defective.

(d) Twenty dollars, if husband or wife over sixty-five years of age; forty dollars, if both over sixty-five.

Ordered that said bill be printed and referred.

Senator Moloney moved that the Senate do now recess for thirty minutes.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President of the Senate resumed the chair and presided over the Senate.

REPORT OF COMMITTEE ON RULES

Honorable Emerson Beauchamp, Chairman of the Committee on Rules, to which same had been referred previously, reported bills and resolutions of the following titles, viz:

H. B. No. 395. AN ACT relating to the excise tax on alcoholic beverages.

H. B. No. 377. AN ACT amending Section 417.040 of the Kentucky Revised Statutes.

S. B. No. 268. AN ACT relating to man-made structures installed in streams.

H. B. No. 172. AN ACT relating to persons handicapped as a result of cerebral palsy, poliomyelitis, muscular dystrophy, or spina bifida.

S. RES. No. 15. A JOINT RESOLUTION authorizing James Daniel Chancey, Louisville, Kentucky to sue the Commonwealth of Kentucky.

S. B. No. 263. AN ACT relating to the sale or offering for sale of soap, disinfectant, detergent, liquid wax, floor cleaner, toilet bowl cleaner, scouring powder or other sanitary chemicals.

H. B. No. 189. AN ACT authorizing cities of the second class to provide sewer services to common schools located outside of its boundaries.

H. B. No. 134. AN ACT relating to Workmen's Compensation.

S. B. No. 267. AN ACT relating to motion picture film censorship.

H. B. No. 394. AN ACT changing the classification of the City of Highland Heights, in Campbell County.

With the expression of opinion that same should pass.

Whereupon said bills and resolution were read for the first time and

Ordered placed in the Calendar.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 264. AN ACT concerning certificates of births.

Senator Shaikun moved the adoption of the following amendment, viz:

Amend S. B. No. 264, line 39, by inserting after the word "person", the following: "providing such reqeust is made within three years from the date of birth".

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Martin moved the Previous Question.

Whereupon, the President of the Senate announced," Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendment, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendment, having been dispensed with, said bill, with amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Homer E. Losey	Clay Shackleford
Eugene H. Clark	C. W. A. McCann	Leon Shaikun
Archie Craft	James R. Mansfield	Cortis K. Stacy
Martin J. Duffy	Earl F. Martin	Paul Stapleton
Wayne Freeman	Strother Melton	Otis C. Thomas
Julian Golden	Richard P. Moloney	Wendell Van Hoose
Doug Hays	O. W. Montgomery	Sylvester Wagner
Thomas Hines	Jack R. Reynolds	Ed P. Warinner
Dr. J. E. Johnson	Freeman Robinson	John M. Williams
Alvin Kidwell	William J. Sample	E. V. Withers
James Lassiter		

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Resolved that the title thereof be as aforesaid,

Senator Moloney moved that the vote by which said bill, with amendment, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day a resolution of the following title, viz: .

H. Res. No. 49. A JOINT RESOLUTION providing for the payment of compensation for services rendered and expenses incurred in connection with and related to the present session of the General Assembly; appropriating money from the Legislative Session Fund for the purposes of such compensation; providing for the distribution of the money so appropriated; and declaring an emergency.

Senator Moloney moved the adoption of the following amendment, viz:

Page 1—Section 1—Lines 1 and 2

By striking therefrom the words "Legislative Session Fund" and substituting in lieu thereof "General Expenditure Fund."

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said resolution, with amendment, be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said resolution, with amendment, having been dispensed with, said resolution, with amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution, with amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	William J. Sample
Bernard J. Bonn	James Lassiter	Clay Shackleford
Eugene H. Clark	Homer E. Losey	Leon Shaikun
Archie Craft	James R. Mansfield	Cortis K. Stacy
Martin J. Duffy	Earl F. Martin	Paul Stapleton
Wayne Freeman	C. W. A. McCann	Otis C. Thomas
Julian Golden	Strother Melton	Wendell Van Hoose
Doug Hays	Richard P. Moloney	Sylvester Wagner
W. Thomas Hines	O. W. Montgomery	Ed P. Warinner
Stanley Hoffman	Jack R. Reynolds	John M. Williams
Dr. J. E. Johnson	Freeman Robinson	E. V. Withers

—33

Senator Moloney moved the adoption of the following amendment to title:

Page 1—line 4 of the title—By striking therefrom the words "Legislative Session Fund" and substituting in lieu thereof the words "General Expenditure Fund".

Said motion was agreed to.

Thereupon said amendment to title was adopted.

Senator Moloney moved that the vote by which said resolution, with amendments, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. RES. No. 50. A JOINT RESOLUTION for the benefit

of officers and employes of the Senate and the House of Representatives, and declaring an emergency.

Senator Moloney offered the following amendment, viz:

AMENDMENT No. 1 to H. Res. No. 50

By striking therefrom the words "Legislative Session Fund" and substituting in lieu thereof the words "General Expenditure Fund" on page 1, section 1, lines 1 and 2.

Senator Moloney moved the adoption of Amendment No. 1.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution, with amendment, be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said resolution, with amendment, be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the constitutional provision as to the third reading at length of said resolution, as amended, having been dispensed with, said resolution, as amended, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution, as amended, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Martin J. Duffy	W. Thomas Hines
Bernard J. Bonn	Wayne Freeman	Stanley Hoffman
Eugene H. Clark	Julian Golden	Dr. J. E. Johnson
Archie Craft	Doug Hays	Alvin Kidwell

James Lassiter	O. W. Montgomery	Paul Stapleton
Homer E. Losey	Jack R. Reynolds	Otis C. Thomas
James R. Mansfield	Freeman Robinson	Wendell Van Hoose
Earl F. Martin	William J. Sample	Sylvester Wagner
C. W. A. McCann	Clay Shackleford	Ed P. Warinner
Strother Melton	Leon Shaikun	John M. Williams
Richard P. Moloney	Cortis K. Stacy	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution, as amended, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. RES. No. 51. A JOINT RESOLUTION providing for payment of ministers of the churches of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly.

Senator Moloney offered the following amendments, viz:
Amendment No. 1 to H. RES. No. 51

Amend printed copy of H. Res. No. 51
on page 1, section 1, line 7 and 8, by striking the words, "O. Leland Gilmore"

Amendment No. 2

Page 1—Section 1—Line 2

By striking therefrom the words "Legislative Session Fund" and substituting in lieu thereof the words "General Expenditure Fund"

Senator Moloney moved the adoption of Amendment No. 1.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the adoption of Amendment No. 2.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution, with amendments, be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said resolution, with amendments, be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the constitutional provision as to the third reading at length of said resolution, with amendments, having been dispensed with, said resolution, with amendments, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution, with amendments, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	William J. Sample
Bernard J. Bonn	James Lassiter	Clay Shackleford
Eugene H. Clark	Homer E. Losey	Leon Shaikun
Archie Craft	James R. Mansfield	Cortis K. Stacy
Martin J. Duffy	Earl F. Martin	Paul Stapleton
Wayne Freeman	C. W. A. McCann	Otis C. Thomas
Julian Golden	Strother Melton	Wendell Van Hoose
Doug Hays	Richard P. Moloney	Sylvester Wagner
W. Thomas Hines	O. W. Montgomery	Ed P. Warinner
Stanley Hoffman	Jack R. Reynolds	John M. Williams
Dr. J. E. Johnson	Freeman Robinson	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said reso-

lution, with amendments, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the Senate do now recess until 8 P.M.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President of the Senate resumed the chair and presided over the Senate.

REPORT OF THE ENROLLING COMMITTEE

Senator Sample, of the Committee on Enrollment reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

S. B. No. 101. AN ACT relating to public assistance and welfare of needy aged, needy blind and needy children, amending section 205.010, 205.200, 205.210, 205.240, and 205.990 of the Kentucky Revised Statutes and repealing subsection (3) of section 205.170 of the Kentucky Revised Statutes.

S. B. No. 108. AN ACT changing the classification of the City of Lakeside Park, in Kenton County.

S. B. No. 215. AN ACT relating to the construction of bridges by adjoining states over boundary line streams between this state and another and the reciprocal exemption thereof from taxes.

S. B. No. 151. AN ACT concerning organization and government of cities of the first class and agencies thereof, repealing Sections 69.420, 91.010, 91.030, 91.040, 91.050, 91.070, 93.030 (2) and (3), 93.040, 93.130, 93.140, 93.150, 93.160, 93.170, 93.180, 93.190, 93.200, 93.210, 93.220, 93.230, 93.240, 93.250, 93.260, 93.270, 95.080, 95.100, 95.110, 95120, 95.130, 95.140, 95.150 (2), (3), (4) and (5), 95.190, 95.220, 95.230, 95.240, 95.250, 95.260, 95.280, 95.300, 95.310, 95.320, 95.330, 95.340, 95.350, 95.360, 95.370, 95.380, 95.390, 95.400, 95.410, 95.420, 97.254, 97.256, 97.258 and 98.020 of the Kentucky Revised Statutes and amend-

ing Sections 93.060, 93.110, 93.120, 95.160, 95.180, 95.200 and 95.290 of the Kentucky Revised Statutes.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled; and thereupon the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Enrolling Clerk of the Senate deliver the original and enrolled copies of said bills to the House.

After a time the Enrolling Clerk delivered said original and enrolled copies of said bills duly signed by the Speaker of the House.

Ordered that the Chief Clerk of the Senate deliver said bills to the Governor.

After a time, the Chief Clerk aforesaid reported that he had discharged that duty.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills and resolutions which originated in that body of the following titles, viz:

H. B. No. 350. AN ACT relating to motor transportation and motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby enacted to read as follows:

Every holder of a certificate of public convenience and necessity issued by the Department of Motor Transportation authorizing the transportation of persons or property for hire, which certificate authorizes service at a point that is also a point at which service is authorized under the terms of any other certificate of the same type held by the same person, is authorized to transport persons or property, as the case may be, for hire,

from any point on either of said certificated routes to any point on any other such connecting certificated route or routes, unless such service be restritced by the terms of any of said certificates.

Section 2. It is the purpose of this Act to further clarify the provisions of Chapter 281 relating to the application of the administrative and judicial interpretations of the Federal Motor Carrier Act to the administration of Chapter 281 of the Kentucky Revised Statutes.

H. B. No. 385. AN ACT providing for the regulation of the practice of ophthalmic dispensing; authorizing the issuance of certificates to qualified ophthalmic dispensers and opthalmic technicians; creating a Board to be known as the "Kentucky Board of Ophthalmic Dispensers", and conferring duties upon such Board; and providing for penalties for the violation of this Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Definitions.

"Board" as used in this Act shall mean the "Kentucky Board of Ophthalmic Dispensers."

"Ophthalmic Dispensing." A person practices ophthalmic dispensing within the meaning of the provisions of this act relating to ophthalmic dispensers, who prepares and dispenses lenses, spectacles, eyeglasses and/or appurtenances thereto to the intended wearers thereof on written prescriptions from physicians or optometrists duly licensed to practice their profession, and in accordance with such prescriptions interprets, measures, adapts, fits and adjusts such lense, spectacles, eyeglasses and/or appurtenances thereto to the human face for the aid or correction of visual or ocular anomalies of the human eyes. The services and appliances relating to ophthalmic dispensing shall be dispensed, furnished or supplied to the intended wearer or user thereof only upon prescription issued by a physician

or optometrist; but duplications, replacements, reproductions or repetitions may be done without prescriptions, in which event any such act shall be construed to be ophthalmic dispensing the same as if performed on the basis of an original written prescription.

2. On and after January 3, 1953, no person shall engage in the practice of ophthalmic dispensing as defined in this Act unless he is duly licensed to practice medicine or optometry in this Commonwealth or unless he is the holder of a certificate as an ophthalmic dispenser; Provided, this section shall not be so construed as to prohibit a firm or corporation from operating a business which comes within the meaning of ophthalmic dispensing, as defined in Section 1 of this Act, if each of its employees either (1) coming in contact with the public and performing for the public any service or services included within the meaning of ophthalmic dispensing, or (2) otherwise performing any work or service required by this Act to be performed by an ophthalmis dispenser, is the holder of a certificate as an ophthalmic dispenser.

3. A certificate as an ophthalmic dispenser shall be issued by the Board to any person—

(a) Who pays a fee of Twenty-five ($25.00) Dollars and submits evidence under oath satisfactory to the Board—

(1) That he is more than twenty-one years of age and of good moral character;

(2) That he has at least two years of satisfactory training and experience in ophthalmic dispensing under the supervision of an ophthalmic dispenser, physician or optometrist, or is a graduate of an accepted school of ophthalmic dispensing.

(3) That he has passed a satisfactory examination in ophthalmic dispensing given by the Board.

4. The Board shall issue a certificate as ophthalmic dispenser to any person who makes application therefor prior to January 1, 1953, and submits evidence under oath

satisfactory to the Board that he is more than twenty-one years of age and of good moral character; that he was actually principally engaged as an ophthalmic dispenser in this state on December 31, 1951 and so principally engaged for at least two years prior thereto.

If any person who so desires to secure a certificate without examination shall be in the Armed Forces on January 1, 1953, his time to make application shall be extended until six months after the date of his discharge or release from active duty from such Armed Forces.

5. Nothing in this Act shall be construed to authorize or permit any ophthalmic dispenser to hold himself out as being able to, or to either offer, undertake or attempt, by any means or method, to examine or exercise eyes, to fit contact lenses, or to diagnose, treat, correct, relieve, operate or prescribe for any human ailment, deficiency, deformity, disease, injury, pain or physical condition except that an ophthalmic dispenser holding a certificate as such issued hereunder may fit contact lenses under the supervision of a physician or optometrist.

6. Nothing in the provisions of this Act relating to ophthalmic dispensing shall be construed to limit or restrict, in any respect, the practice of medicine by duly licensed physicians or the practice of optometry by duly licensed optometrists, and such licensed physician or optometrist shall have all the rights and privileges which may accrue under the provisions of this Act to ophthalmic dispensers licensed hereunder.

7. This Act shall not be construed to prohibit an unlicensed person from performing merely mechanical work upon inert matter in an optical office, laboratory or shop.

8. No license shall be suspended or revoked until after a hearing before the Board upon notice to the certificate holder of at least ten days. The notice shall be served either personally or by registered mail and shall state the date and place of the hearing and set forth the ground or grounds constituting the charges against the certificate holder. The

certificate holder shall be heard in his defense either in person or by counsel and may produce witnesses and testify in his own behalf.

9. No ophthalmic dispenser shall advertise, by any means, prices for, or a discount on, or specific terms of payment for, eyeglasses, spectacles or accessories thereto, opthalmic lenses, frames or mounting or by use of the phrases "moderate prices," "low prices," "clinic prices," "guaranteed glasses," "satisfaction guaranteed," or any words of similar import, nor shall he publish, directly or indirectly, any fradulent, false, discriminatory or misleading statement as to the skill or method of practice of any person engaged in or about to engage in the practice of ophthalmic dispensing or with reference to any article or the sale of any article used in connection therewith.

10. The provisions of this Act shall not prohibit persons or corporations from selling completely assembled eyeglasses or spectacles without advice or aid as to the selection thereof as merchandise from permanently located or established places of business.

11. Physicians and optometrists shall have the right to practice ophthalmic dispensing without qualifying under this Act and shall not be subject to any of the provisions herein.

12. A certificate to practice ophthalmic dispensing shall be renewed each year by the payment of a fee of Ten ($10.00) Dollars, unless such certificate has been suspended or revoked by the Board.

13. There is hereby created a Board of Ophthalmic Dispensers to be known as the "Kentucky Board of Ophthalmic Dispensers." It shall consist of five members, to be appointed by the Governor, one member of which shall be a licensed medical physician experienced in the treatment of eyes, and one member of which shall be a licensed optometrist. The other three members shall be licensed ophthalmic dispensers except that on the original Board the three ophthalmic dispensers need not be licensed

ophthalmic dispensers, but must be persons experienced in ophthalmic dispensing and must be licensed as ophthalmic dispensers by the Board to hold their positions. They shall not pass upon their own qualifications. The Board shall elect one of its members chairman and one member secretary-treasurer. These officers shall serve at the pleasure of the Board.

Two members of the Board shall serve for two years from the date of their appointment and qualification and the other three members shall serve for a period of four years from the date of their appointment and qualification. At the expiration of the term of office of any member, the Governor shall appoint a successor for a term of four years. The Board shall serve without compensation. It shall further have the right and power to make such rules and regulations as it deems necessary to carry out the provisions of this Act, and may, under rules, provide for the licensing of apprentice ophthalmic dispensers.

14. All fees imposed and collected under the provisions of this Act shall be paid to the Secretary-Treasurer of the Board for the use of the Board, and shall be deposited in the State Treasury to the credit of an agency fund for the use of the Board.

15. Penalties. Any person who shall directly or indirectly engage in the practice of ophthalmic dispensing or hold himself out to the public as being able so to do, or who shall violate any of the provisions of this Act relating to ophthalmic dispensing, or having had his certificate suspended or revoked shall continue to engage in the practice of ophthalmic dispensing, or who directly or indirectly employs, permits or authorizes an unlicensed person to engage in the practice of ophthalmic dispensing, shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than thirty days, or by a fine of not more than one hundred dollars or by both such fine and imprisonment, and each such violation shall be deemed a separate offense.

H. B. No. 444. AN ACT concerning zoning and planning

in cities of the first class and counties containing such cities, with particular reference to regulation of subdivision development.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 100.088 of the Kentucky Revised Statutes is amended to read as follows:

When the Commission has been appointed and organized, pursuant to the provisions of KRS 100.031 to 100.097, all subdivisions of land which (1) require the provision of means of access, whether public or private to newly created lots or (2) the dedication or extension of streets and highways as required by the Master Plan shall be submitted in the form of a plat to the Commission for its approval or disapproval. Each subdivision plat shall contain the name and address of the person or persons making the subdivision and applying for approval thereof, and the names and addresses of all owners of property adjoining or adjacent to the property to be subdivided. Any agreement between the parties affected by such subdivision in the nature of a restriction or covenant affecting or applicable to the land in the area within or bordering upon such subdivision shall be filed with and referred to upon the plat, and any restrictions or covenants in prior deeds to such lands shall likewise be referred to upon said plat. Within thirty (30) days after such application the Commission shall hold a public hearing thereon, and shall, not less than five (5) days before the date fixed for such hearing, send written notices thereof to all persons whose names and addresses are stated on said plat, unless the applicant for such approval and all such persons waive such notice. The Commission shall have the power to fix, or to agree with the applicant and the adjoining and adjacent property owners upon, the use, height, area or bulk requirements or restrictions governing buildings and premises within the subdivision, provided such requirements or restrictions do not authorize the violation of any then existing zoning plan, regulation or restriction.

Within thirty (30) days after such hearing the Commission shall approve or disapprove such plat, unless additional time is necessary to enable the Commission to make a thorough investigation of the proposed plat. In which event the Commission may extend such period, but such extension shall not exceed sixty (60) days.

Section 2. Section 100.093 of the Kentucky Revised Statutes is amended to read as follows:

(1) After the effective date of KRS 100.031 to 100.097, no subdivider, owning land composing a subdivision, nor his agent, shall transfer or sell or agree to sell any lot or parcel of land located within such subdivision by reference to, or exhibition of, or by any other use of a plat of such subdivision, before such plat has been approved, filed and recorded as provided in KRS 100.088 to 100.092. Any such instrument of transfer, sale or contract shall be void and shall not be subject to be recorded, but any and all rights of such purchaser to damages, if any, are hereby preserved.

(2) The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt such owner or agent from the penalties provided for in subsection (3) of KRS 100.990, or deprive the purchaser of any rights or remedies he may otherwise have.

H. B. No. 446. AN ACT relating to teachers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Retired teachers may do substitute teaching in the public schools of Kentucky for a period not to exceed thirty (30) days in any one school year, and receive compensation for same without reduction in retirement annuities.

H. B. No. 451. AN ACT concerning the elimination of grade crossings in cities of the first class and the issuance of

bonds to provide for the payment of the cities' share of the expense thereof and amending section 93.330 Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 93.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) To provide money so that the city may bear its proportion of the expense of the elimination of grade crossings of public streets with tracks of steam or electric railroads, the city legislative body may adopt an ordinance submitting to the voters of the city at any regular election the question whether bonds of the city shall be issued for that purpose.

(2) The ordinance shall provide the date and maturity of the bonds, the rate of interest, and the total amount to be then issued. The ordinance shall also contain the necessary details in reference to the execution and delivery of the bonds, their denominations, coupons to be attached, and tax to be levied to pay the interest and create a sinking fund to retire bonds at maturity.

(3) The ordinance may be adopted by the city legislative body either prior or subsequent to the adoption of the plan to be used in the elimination of the grade crossings.

(4) The proceeds of bonds issued under this section shall be used exclusively for the city's proportionate share of the expense of the elimination of grade crossings of public streets with the tracks of steam or electric railroads, as provided in KRS 93.300.

H. B. No. 452. AN ACT concerning the definition, apportionment, payment and records of costs of grade crossing elimination projects in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 93.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) The cost of all work incident to or occasioned by the elimination of the grade crossing and the construction of a substituted crossing in any city of the first class, including the costs of preparing the plans and specifications and supervising the improvement, the acquisition of necessary property, the construction of approaches, drainage structures, street and pavements, accommodations for street railway and interurban railway companies and other public utilities, and damages paid to abutting property owners, shall be paid in the proportion of fifteen percent by the railroad companies affected and eighty-five percent by the city. Provided, however, that the proceeds of any municipal bond issue, heretofore voted under the provisions of KRS 93.330, can be used to defray the proportionate costs of the city only as such costs are defined in Chapter 153 Acts 1950.

H. B. No. 430. AN ACT relating to alcoholic beverage licenses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In no event shall the operation of a pari-mutual system for betting, where authorized by law, constitute grounds for the revocation or suspension of any license issued under Chapter 243 of the Kentucky Revised Statutes.

Section 2. Whereas, the status and application of Chapter 243 of the Kentucky Revised Statutes is in doubt where the operation of pari-mutual betting is concerned and the state is threatened with loss of revenue and with extensive and prolonged litigation, an emergency is declared to exist and this act shall take effect upon its passage and approval by the Governor.

H. Res. No. 46. A JOINT RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission regarding the establishment of a state-supported medical school at the University of Kentucky.

Said resolution is as follows, viz:

WHEREAS, the General Assembly finds that the existing shortage of practicing physicians in many areas of the Commonwealth deprives large numbers of citizens of proper medical attention on a reasonably available basis, jeopardizes their health and welfare, and threatens to become more serious; and

WHEREAS, it appears that it is becoming more difficult for Kentucky youth to obtain a medical education; and

WHEREAS, the alleviation of such situations appears to depend on the Commonwealth's promptly and actively assuming its responsibility for providing facilities for the education and training of an adequate number of Kentuckians for the profession of medicine; and

WHEREAS, the University of Kentucky is the appropriate agency of the Commonwealth to carry out such a program of professional education and training in a state-supported medical school;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The Legislative Research Commission, in cooperation with the University of Kentucky and with the assistance of such out-of-state and other consultants as it may select, is hereby authorized and directed to make a careful and impartial study of the desireability and steps necessary for the establishment of a state-supported medical school at the University of Kentucky. The Legislative Research Commission shall report to the next regular session of the General Assembly its findings and recommendations with respect to such matters as it deems essential to its study, including particularly the following: (1) The needs for improved medical services in Kentucky; (2) the scope of the medical education program necessary to meet these needs; (3) the detailed requirements for establishing and maintaining a fully approved medical school at the University of Kentucky in terms of staff, buildings, equipment, library and hospital and clinical training facilities; and (4) a plan for financing such a program of medical education.

H. Res. No. 27. A JOINT RESOLUTION providing for an investigation, study, and survey by the Constitution Review Commission regarding prosecution in criminal cases on information rather than indictment when the grand jury is not in session.

Said resolution is as follows, viz:

Whereas, J. D. Kennedy, while serving as jailer of Madison County during the years 1938, 1939, 1940, and 1941, furnished fuel, light and water to the Madison Circuit Court as required by law, and

Whereas, under the provisions of Section 356 of Carroll's Statutes, the said J. D. Kennedy was entitled to received from the State Treasury the sum of $480.00 for such services, and

Whereas, through oversight and inadvertence, the claim for such services was not presented to the Department of Finance until after the expiration of the fiscal year in which the services were rendered,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of $480.00 is appropriated out of the General Expenditure Fund in the State Treasury, for the purpose of paying the claim of J. D. Kennedy, of Madison County, for fuel, light and water furnished to the Madison Circuit Court during the years 1938, 1939, 1940, and 1941.

The Commissioner of Finance is hereby directed to draw his warrant upon the State Treasurer, in favor of the said J. D. Kennedy for said amount, and the Treasurer, upon receipt of the warrant, is directed to issue a check in favor of the said J. D. Kennedy in the amount of $480.00.

H. Res. No. 63. A JOINT RESOLUTION authorizing payment of a claim against the Department of Highways and the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, on February 28, 1950, Sherman Combs, an em-

ployee of the Department of Highways, Commonwealth of Kentucky, was involved in an automobile accident, while acting within the course and scope of his employment, in Carroll County, Kentucky; and

WHEREAS, Sherman Combs was involved in much litigation as a result of this accident,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the amount of Two Hundred and Twenty-five Dollars is hereby appropriated out of the State Road Fund to reimburse Sherman Combs for thes actual expenses, which he was forced to pay as a result of expenses incurred in the cases of Commonwealth of Kentucky vs. Sherman Combs in the Carroll County Court and Casper Oaks' Administrator and Others vs. Sherman Combs in Carroll Circuit Court. Immediately upon the effective date of this Resolution the Commissioner of Finance shall issue his warrant, in the amount of Two Hundred and Twenty-five Dollars, upon the State Treasurer who shall issue a check in like amount in favor of Sherman Combs.

H. Res. No. 62. A JOINT RESOLUTION recommending the procurement of an automatic roll-call system for use in the House of Representatives of the General Assembly.

Said resolution is as follows, viz:

WHEREAS, a joint committee composed of senators and representatives of the General Assembly was created for the purpose of studying the advisability of procuring an automatic roll-call system for use in the House of Representatives of the General Assembly; and

WHEREAS, the joint committee's study of automatic roll-call systems now in use in the legislatures of other states reveals that the use of such systems increases substantially the efficiency and accuracy of voting in the legislatures where such systems are in use:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That an automotic roll-call system is found to be efficient and satisfactory and the use of such a system in the House of Representatives of the General Assembly of the Commonwealth of Kentucky is deemed desirable; and

Section 2. That the State Property and Building Commission, in conjunction with the Legislative Research Commission, is urged to acquire, with funds for capital outlay, an automatic roll-call system for installation in the Chamber of the House of Representatives of the General Assembly of the Commonwealth of Kentucky.

H. Res. No. 52. A JOINT RESOLUTION authorizing the Iuka Ferry Company, a Corporation incorporated under the laws of Kentucky, to file suit against the Commonwealth of Kentucky, the Department of Highways or and one or more of them.

Said resolution is as follows, viz:

WHEREAS the Commonwealth of Kentucky acting by and through its Department of Highways is engaged in the construction of a bridge across the Cumberland River, approximately three miles distant from Iuka, Kentucky, and intends and proposes upon the completion of said bridge to change the route of Kentucky Highway 62 in order to transport vehicular traffic across said bridge in total disregard of the rights of the Iuka Ferry Company, Inc., which is the owner of ferry rights and the operator of ferries across said river at Iuka, Kentucky, on Kentucky Highway 62, which it operates by virtue of an exclusive franchise for the crossing of said river at said point on Kentucky Highway 62 which is an inter-county seat highway connecting Lyons and Livingston Counties, and

WHEREAS the said Iuka Ferry Company has expended large sums of money under said franchise which were granted according to law to said Company by the Fiscal Courts of Livingston and Lyon Counties, which said franchise will not expire for approximately sixteen (16) years, and

WHEREAS in reliance thereon the said Bridge Company has expended in capital improvements and for equipment of said ferry the sum of $40,000 and the action of the State Department of Highways in moving said road and installing thereon a bridge which will be toll free is in detriment of the rights of the said Bridge Company and will operate to deprive it of its vested property rights in said ferry crossing, and

WHEREAS the said Iuka Ferry Company's injuries and damages are in an amount greater than $5,000.00 and therefore its claim is not one that can be brought properly before the Board of Claims as provided in KRS 44.070.

NOW, in order that Iuka Bridge Company, Inc. may have its day in court to determine by judicial action the question of its loss and damages caused by said acts of the Commonwealth of Kentucky acting by and through its duly constituted Department of Highways,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

THAT the Iuka Bridge Company be and it is hereby empowered and authorized to sue the Commonwealth of Kentucky, the Department of Highways or any one or more of them in the Lyons Circuit Court, or the Livingston Circuit Court, or the Franklin Circuit Court, for damages resulting from the loss of its property rights in said ferry caused by the alleged action on the part of the employees of the Department of Highways while said employees were in the line of duty as agents of the Commonwealth of Kentucky and while acting within the scope of their authority.

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed if he deems it advisable. Said suit shall not be for a sum in excess of $40,000.00.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals.

The statute of limitations shall not begin to run in favor of the Commonwealth until this act becomes effective.

No statement in this resolution shall be considered by either the court or a jury as an admission of wrong doing or negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

H. Res. No. 48. A JOINT RESOLUTION providing for the payment of pauper idiot claims.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That G. A. Rudd, former committee for Andy Rogers, is the owner of three pauper idiot claims, in the total amount of $112.50, which claims were duly allowed by the Livington Circuit Court for the care of Andy Rogers for the years of 1943, 1944 and 1945, and which, through inadvertence, have not been paid.

Section 2. That the Commissioner of Finance is hereby authorized and directed to pay said claims, when presented, and the statute of limitations as now provided by law shall not be a bar to their payment, and the sum of $112.50 is hereby appropriated out of the General Expenditure Fund in the State Treasury for that purpose.

H. Res. No. 56. A JOINT RESOLUTION authorizing the personal representatives of Grant Judd, Augustus Mainous and William Flannery, deceased, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

WHEREAS, Grant Judd, Augustus Mainous and William Flannery were riding in a passenger automobile in the county of Owsley, State of Kentucky, and proceeding from the town of Beattyville to the town of Booneville, Kentucky, on a state-

maintained highway, and while so doing the said automobile was caused to be wrecked and overturned and thereby injuring said Grant Judd, Augustus Mainous and William Flannery, that they then and there and within a few minutes thereafter, died; and

WHEREAS, the said wreck and consequent death of the said Grant Judd, Augustus Mainous and William Flannery was caused and contributed to by and through the gross negligence of the Department of Highways at and about said place of wreck, in the negligent construction and maintenance of said highway, and by its negligence in failing to put out any red flags or any other danger signs and in placing trucks and other implements on and around said place without any warning signs whatsoever, and with no signs indicating "Men Working," and by and through the said negligence and carelessness of the Department of Highways and the Commonwealth of Kentucky, the said Grant Judd, Augustus Mainous and William Flannery lost their lives;

NOW THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the personal representatives of Grant Judd, Augustus Mainous and William Flannery, deceased, are authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in any county of the Commonwealth having jurisdiction of the parties and subject matter, for personal injuries and property damage and other damages caused by the alleged negligence of employees of the Department of Highways while acting within the scope of their employment.

Section 2. Said suits shall not be for a sum in excess of $15,000.00 each.

Section 3. The Attorney General may investigate the claim herein and settle said claims before or after suits are filed, if he deems it advisable. Any amount recovered in said suits or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrants drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event a suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

H. Res. No. 47. A JOINT RESOLUTION concerning the official name designation of the State park located within the Pennyrile Forest area located in northern Christian County near Dawson Springs.

Said resolution is as follows, viz:

WHEREAS, a recreation site was established by certain agencies of the Federal Government in the forest area for the use and enjoyment of the people of the Commonwealth; and,

WHEREAS, it has been operated as a State park by the Division of Parks, Department of Conservation since 1946 and approximately 10 years prior was under the direction of the U. S. Soil Conservation Service and the 14,772 acre forest has been under the supervision of the Division of Forestry, Department of Conservation since 1946; and,

WHEREAS, the recreation area of the Pennyrile Forest under the supervision of the U. S. Soil Conservation was referred to as the Resettlement Project and later has been referred to as the Pennyrile State Forest Park, the Pennyrile State Park and the Pennyrile Forest State Park, under the operation of the Division of Parks, has therefor caused confusion; and,

WHEREAS, this State park is one of the important parks in the State park system; although undeveloped as far as overnight, eating, picnic and recreation facilities in comparison to many of the other state parks in Kentucky's system which has made rapid strides since 1947 in the development of recreation areas for the convenience, enjoyment and health of the people of the Commonwealth of Kentucky under the able direction and leadership of Commissioner of Conservation Henry

Ward and Mrs. Lucy Smith, Director of the Division of Parks and through the interest of former Governor Earle C. Clements and Governor Lawrence W. Wetherby; and,

WHEREAS, Commissioner of Conservation Henry Ward has often referred to this scenic forest area as "the mountain park of western Kentucky" and "one of Kentucky's most beautiful and scenic recreation areas"

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

(1) That from the date of final passage and approval of this resolution be this park officially named and hereafter designated the "Pennyrile Forest State Park"; and,

(2) That those responsible for the development of the State park system of the Commonwealth of Kentucky give due priority in order that the Pennyrile Forest State Park may receive the proper attention for its increasing, continued and complete development it so richly deserves; and,

(3) That the purpose of this resolution not only be to call attention to Pennyrile Forest State Park but in testimony and appreciation of the untiring efforts of Conservation Commissioner Henry Ward and his entire staff who have worked so diligently to give the citizens of the Commonwealth of Kentucky one of the best and most progressive State park programs in the nation; and

(4) That the Clerk of the House of Representatives is directed to forward copies of this resolution to all members of the Kentucky Congressional delegation, the heads of all State government departments connected with the development and operation of this park and to the newspapers and radio stations in Kentucky and in the larger cities in the states adjacent to Kentucky.

H. Res. No. 61. A JOINT RESOLUTION authorizing and directing payment of a claim of the Lexington Water Company of Lexington, Kentucky.

Said resolution is as follows, viz:

Whereas, during February and March, 1948, the Lexington Water Company furnished water service in the amount of $582.50 to the Houses of Reform, Department of Welfare, and

Whereas, payment in the above amount for the water service was made shortly after the same became due but the payment was erroneously refunded by the Lexington Water Company and the account has since remained unpaid,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of $582.50 is appropriated out of the General Expenditure Fund in the State Treasury for the purpose of paying the claim of the Lexington Water Company for water service furnished to the Houses of Reform, Department of Welfare, during February and March, 1948.

The Commissioner of Finance is hereby directed to draw a warrant for said amount, and the State Treasurer, upon receipt of the warrant, is directed to issue a check in favor of the Lexington Water Company in the amount of $582.50. Any statutory provision restricting the time within which claims must be presented for payment by the Commonwealth of Kentucky shall not bar the payment of this claim.

H. RES. No. 55. A JOINT RESOLUTION authorizing the Fiscal Court of Calloway County to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Fiscal Court of Calloway County, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in the Calloway Circuit Court, for property damage to a county highway bridge caused by alleged negligence on the part of an employe of the Department of Highways while acting within the scope of his employment.

Said suit shall be for a sum not in excess of $22,000.00.

The Attorney General may investigate the claim herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Comomnwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

H. RES. No. 54. RESOLUTION directing the Governor to proclaim the week, including November 19, 1952, "George Rogers Clark Bicentennial Memorial Week" in honor of General Clark on the two-hundredth anniversary of his birth; and authorizing the appointment of a committee to plan and execute a program to memorialize General Clark on that occasion.

Said resolution is as follows, viz:

WHEREAS, General George Rogers Clark was one of Kentucky's great pioneers; and

WHEREAS General Clark performed heroic services to Kentucky and the cause of freedom in the struggle of the American colonies for independence; and

WHEREAS his expedition to the Illinois country against the British, starting from the Falls of the Ohio on June 24, 1778, saved Kentucky as a stronghold for Western expansion, and resulted in the conquest of what became the Northwest territory, from which five states of the Union were formed; and

WHEREAS General Clark was born November 19, 1752, and 1952 is the two-hundredth anniversary of his birth; and

WHEREAS it is particularly fitting this year that Kentucky pay honor and tribute to the memory of this patriot

NOW THEREFORE BE IT RESOLVED by the General Assembly of the Commonwealth of Kentucky that:

1. The week which includes November 19, 1952, be and is hereby designated as George Rogers Clark Bicentennial Memorial Week.

2. A committee be appointed by the Governor to plan and execute a program during said week honoring and memorializing General Clark at such place or places and in such manner as shall be determined by the committee, said committee to be known as the Kentucky George Rogers Clark Bicentennial Memorial Committee.

3. The Governor of the Commonwealth of Kentucky be and he is hereby requested to issue, at such time as he shall determine, a Proclamation declaring the week including November 19, 1952, to be George Rogers Clark Bicentennial Memorial Week, and calling upon citizens and organizations to join and cooperate with the Kentucky George Rogers Clark Bicentennial Memorial Committee to plan and execute a program to honor the memory of General Clark.

AND BE IT FURTHER RESOLVED by the General Assembly of the Commonwealth of Kentucky that:

It is recommended for the consideration of some future session of the General Assembly that a monument in memory of General George Rogers Clark be erected in the rotunda of the new State Capitol building now in process of completion.

AND BE IT FURTHER RESOLVED by the General Assembly of the Commonwealth of Kentucky that:

Copies of this Resolution be sent by the Governor to the President, Vice President, and Speaker of the House of Representatives, and Kentucky Senators and Representatives, of the United States of America, with the request and to the end that the Federal Government and the Congress take appropriate action to honor and memorialize General George Rogers Clark on the occasion of the bicentennial anniversary of his birth, in recognition of his valiant services to the Nation in its formative stages, in its struggle for independence.

H. RES. No. 24. A JOINT RESOLUTION authorizing Alvin Atkins of Paintsville, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, on the 9th day of September, 1947, while Alvin Adkins, of Paintsville, Kentucky, was engaged in the performance of his duties as an employe of the Division of Motor Transportation of the Commonwealth of Kentucky, he suffered an accident which occurred without any negligence on his part, and,

WHEREAS, as a result of such accident, he sustained severe injuries which are alleged to have arisen out of and in the course of his employment, and

WHEREAS, the circumstances surrounding the injury of the said Alvin Adkins were such as to impose a moral obligation upon the Commonwealth:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Alvin Adkins, of Paintsville, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Johnson County Circuit Court for damages for personal injuries arising out of and in the course of his employment as an employe of the Commonwealth, for which damages the Commonwealth is morally responsible. Said suit shall be for a sum not in excess of five thousand dollars.

The Attorney General may investigate the claim and may settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals.

H. RES. No. 22. A JOINT RESOLUTION authorizing

Mrs. Catherine Berghaus to sue the Commonwealth of Kentucky for damages resulting from the death of her son.

Said resolution is as follows, viz:

Whereas, in 1937, Bernard J. Berghaus, a member of the Kentucky National Guard, was ordered to active duty during the emergency resulting from the flood of that year; and

Whereas, while on such active duty, Bernard J. Berghaus contracted pneumonia for wihch he died shortly thereafter; and

Whereas, the Commonwealth of Kentucky is morally liable for the damages arising from his death,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Mrs. Catherine Berghaus of Louisville, Kentucky, is hereby authorized to sue the Commonwealth of Kentucky in the Jefferson Circuit Court for damages resulting from the death of her son, Bernard J. Berghaus, who died while performing a public service in behalf of the Commonwealth.

Section 2. Such suit shall be for a sum not in excess of ten thousand dollars.

Section 3. The Attorney General may investigate the claim authorized herein and settle same before or after suit is filed if he deems it advisable. Any amount recovered in the suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit is filed and judgment rendered by the circuit court either party may appeal to the Court of Appeals of Kentucky.

H. RES. No. 10. A JOINT RESOLUTION authorizing Coburn Bach, as the father and next friend of Jimmy Bach, an infant, to sue the Department of Military Affairs and the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Coburn Bach, as the father and next friend of Jimmy Bach, an infant of Rossmoyne, Ohio, for and on behalf of Jimmy Bach, is authorized to sue the Department of Military Affairs and the Commonwealth of Kentucky, or either, in the Gallatin Circuit Court, for damages resulting from personal injuries and medical expenses caused by alleged negligence on the part of employes of the Department of Military Affairs while acting in the line of duty.

Section 2. The suit shall be for a sum not in excess of fifty thousand dollars.

Section 3. The Attorney General may investigate the claim herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

H. RES. No. 7. A JOINT RESOLUTION providing for an investigation, study, and survey by the Constitution Review Commission regarding the term, session, and compensation of members of the General Assembly.

Said resolution is as follows, viz:

WHEREAS, under Section 42 of the Constitution of Kentucky a session of the General Assembly may not extend beyond sixty legislative days, and

WHEREAS, such time limitation prevents the General

Assembly from preparing and extending full consideration to all matters presented before it, and

WHEREAS, the establishment of a fixed per annum compensation for the members of the General Assembly would eliminate much expense and bookkeeping, and

WHEREAS, under Section 31 of the Constitution of Kentucky the terms for Representatives and Senators of the General Assembly are two and four years respectively, and

WHEREAS, if such terms were lengthened the General Assembly would be composed of a more stable and experienced membership, and

WHEREAS, the expense to candidates seeking election to the General Assembly would be considerably reduced, and

WHEREAS, the expense to the State in conducting elections would also be considerably reduced, and

WHEREAS, the Constitution Review Commission established by the General Assembly is eminently capable to conduct an investigation, study, and survey of amendments to the Constitution of Kentucky:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The Constitution Review Commission is hereby requested and authorized to make and conduct a thorough and complete investigation, study, and survey regarding amendments to Section 31 and 42 of the Constitution of Kentucky which would increase the terms of Representatives and Senators of the General Assembly to four and six years respectively, and which would permit the General Assembly to meet for thirty legislative days, adjourn for thirty calendar days, then reconvene for sixty legislative days; and which would establish the compensation for both Senators and Representatives of the General Assembly at twenty-five hundred dollars per annum.

H. RES. No. 19. A JOINT RESOLUTION authorizing Harry Bowman to file suit against the Commonwealth of Ken-

tucky, the State Department of Welfare, State Division of Hospitals and Mental Hygiene, and Central State Hospital, or any one or more of them.

Said resolution is as follows, viz:

WHEREAS, on July 12, 1949, Harry Bowman, a resident of Middletown, Jefferson County, Kentucky, was seriously and permanently injured while operating a power driven sauerkraut cutter at Central State Hospital in Jefferson County, Kentucky. Said Central State Hospital at Lakeland, Kentucky, is and was a state institution under the control of the Division of Hospitals and Mental Hygiene, which is and was a Division of the State Department of Welfare, and said State Department of Welfare is an authorized agency of the Commonwealth of Kentucky. While working as an operator of a power driven sauerkraut cutter, said Harry Bowman was injured as the result of the negligence and carelessness of the Central State Hospital, the Division of Hospitals and Mental Hygiene, the State Department of Welfare and the employes and agents of the Commonwealth of Kentucky in their failure to furnish him with safe equipment and a safe place in which to work. Said Harry Bowman was injured when said power driven sauerkraut cutter and motor exploded and potrions of said cutter and motor struck Harry Bowman on the head and forehead, right eye, and upon the skull, and his right shoulder and arm. Said power driven sauerkraut cutter and motor were defective and unsuited for the work for which used and lacked the necessary safety guards.

WHEREAS, his injuries and damages are in an amount greater than $5,000 and, therefore, his claim is not one that can be adequately brought before the Board of Claims as provided in KRS 44.070.

NOW, in order that Harry Bowman may have his day in court to determine by judicial action the question of negligence, if any, causing injuries aforesaid,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

THAT Harry Bowman or, in the event of his death before or during the prosecution of this action to its final conclusion,

his executor or administrator or, in the event that he become a incompetent as the result of this injury, his committee be and he is hereby empowered and authorized to sue the Commonwealth of Kentucky, the State Department of Welfare, State Division of Hospitals and Mental Hygiene, and Central State Hospital or any one or more of them, in Jefferson Circuit Court or the Franklin Circuit Court, for damages resulting from personal injuries, medical expense and lost time caused by alleged negligence on the part of the employes of the Commonwealth of Kentucky, the State Department of Welfare, State Division of Hospitals and Mental Hygiene, and Central State Hospital while said employes were in the line of duty as agents of the Commonwealth of Kentucky and while acting within the scope of their authority.

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed if he deems it advisable. Said suit shall not be for a sum in excess of $25,000.00.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals.

The statute of limitations shall not begin to run in favor of the Commonwealth until this act becomes effective.

No statement in this resolution shall be considered by either the court or a jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

H. RES. No. 67. A JOINT RESOLUTION providing for the recognition and appropriate marking of the birthplace of Ollie M. James.

Said resolution is as follows, viz:

WHEREAS, Ollie M. James (1871-1918) was elected to the

House of Representatives of the United States for five terms and to the Senate of the United States for one term, and doubtless would have attained even greater heights in the service of his state and country but for his untimely death at the age of forty-seven; and

WHEREAS, he held various other offices of prominence and importance in all of which he served with great distinction thereby reflecting great honor on the community in which he was born and reared; and

WHEREAS, it is only fitting that the name of Ollie M. James, and his birthplace, be memorialized,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That in tribute to the memory of the late Honorable Ollie M. James, the State Historical Society is hereby authorized and directed to cause to be placed at his birthplace in Crittenden County a suitable and appropriate marker setting out the career of this distinguished Kentuckian.

Section 2. That the Clerk of the House of Representatives is directed to forward a copy of this Resolution to the widow of Ollie M. James in Washington, D. C.

H. RES. No. 65. A RESOLUTION relating to the Murray State College Basketball Team.

Said resolution is as follows, viz:

WHEREAS, the basketball team of Murray State College advanced to the finals of the N. I. A. B. Tournament at Kansas City, Missouri, and

WHEREAS, said Murray State College, although losing to Southwest Missouri Teacher's College in the finals, brought distinction and glory to the Commonwealth of Kentucky by their fine exhibition of sportsmanship and skill, and

WHEREAS, Garrett Beshear, a Murray Player, exhibited true courage when he became the leading scorer in the tourna-

ment despite the fact that there had been a recent death in his family, and

WHEREAS, Benny Purcell, another Murray Player, was voted the outstanding player of the tournament;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Coach Harlan Hodges and the Murray State College basketball team are hereby congratulated for their fine effort on behalf of the honor and glory of the Commonwealth of Kentucky and that a copy of this resolution be telegraphed to Coach Hodges and the Murray State College basketball team.

H. RES. No. 36. A RESOLUTION relating to certain funds now held by the State Board of Health.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the State Board of Health if hereby directed to turn over to the Kentucky Board of Optometric Examiners certain funds which the Board of Health collected in connection with the examining and licensing of optometrists when those functions were a part of the duties of the State Board of Health.

H. RES. No. 60. A JOINT RESOLUTION authorizing the payment of a claim of Dr. W. E. Wyman of LaGrange, Kentucky.

Said resolution is as follows, viz:

Whereas, during January, February and April, 1950, Dr. W. E. Wyman furnished dental services in the amount of $156.00 to inmates of the Kentucky State Reformatory, Department of Welfare, and

Whereas, this claim was not presented for payment within the time required by law and the same has never been paid,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of $156.00 is appropriated out of the General Expenditure Fund in the State Treasury for the purpose of paying the claim of Dr. E. W. Wyman of LaGrange, Kentucky, for dental services furnished to inmates of the Kentucky State Reformatory, Department of Welfare, during January, February, and April, 1950.

The Commissioner of Finance is hereby directed to draw a warrant for said amount and the State Treasurer, upon receipt of the warrant, is directed to issue a check in favor of Dr. W. E. Wyman in the amount of $156.00. Any statutory provision restricting the period within which claims must be presented to the Commonwealth of Kentucky for payments shall not bar the payment of this claim.

Ordered that said bills and resolutions be printed and referred.

The President of the Senate vacated the chair. Senator Reynolds assumed the chair and presided over the Senate.

Senator Reynolds vacated the chair. The President of the Senate resumed the chair and presided over the Senate.

Senator Moloney moved that the Senate do now adjourn until 1 P.M., Tuesday, March 18, 1952.

Said motion was agreed to.

And then the Senate adjourned.

TUESDAY, MARCH 18, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by Monsignor Joseph A. O'Dwyer, of the Church of the Good Shepherd, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Doug Hays	Leon Shaikun
Eugene H. Clark	Stanley Hoffman	Otis C. Thomas
Augustus Cornett	Alvin Kidwell	Wendell Van Hoose
Louis Cox	Bert Kiser	Sylvester Wagner
Archie Craft	James R. Mansfield	Ed P. Warinner
Martin J. Duffy	Strother Melton	John M. Williams
Wayne Freeman	Richard P. Moloney	E. V. Withers
Julian Golden	O. W. Montgomery	
James P. Hanratty	Freeman Robinson	—25

The following Senators were absent—

Bernard J. Bonn	Homer E. Losey	Clay Shackleford
Ernest M. Ford	Earl F. Martin	Cortis K. Stacy
Thomas Hines	C. W. A. McCann	Paul Stapleton
Dr. J. E. Johnson	Jack R. Reynolds	
James Lassiter	William J. Sample	—13

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings for Monday, March 17, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Montgomery moved that all absent members be granted leaves of absence.

Said motion was agreed to.

INTRODUCTION OF RESOLUTION

A resolution of the following title was introduced, viz:

By Senator Wagner.

S. RES. No. 37. A RESOLUTION leading to the care of spactic children in the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, there is considerable interest in the problem of treatment of Spastic Children of the Commonwealth of Kentucky, and

WHEREAS, legislation has been proposed for the purpose of correcting this problem in the Commonwealth of Kentucky, and

WHEREAS, this problem presents comprehensive and very serious potentialities,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the present legislation be pendent for the time being and that the Legislative Research Commission be directed to make a survey and report back to the next General Assembly said proposed legislation for the correction and improvement of the problem of the Spastic children in the Commonwealth.

Ordered that said resolution be printed and referred to the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Honorable Emerson Beauchamp, Chairman of the Committee on Rules, to which same had been referred previously, reported bills and resolutions of the following titles, viz:

H. Res. No. 10. A JOINT RESOLUTION authorizing Coburn Bach, as the Father and next friend of Jimmy Bach, an infant, to sue the Department of Military Affairs and the Commonwealth of Kentucky, or either.

H. Res. No. 52. A JOINT RESOLUTION authorizing the Iuka Ferry Company, a Corporation incorporated under the laws of Kentucky, to file suit against the Commonwealth of Kentucky, the Department of Highways or any one or more of them.

H. Res. No. 48. A JOINT RESOLUTION providing for the payment of pauper idiot claims.

H. Res. No. 47. A JOINT RESOLUTION concerning the official name designation of the State park located within the Pennyrile Forest area located in northern Christian County near Dawson Springs.

H. Res. No. 46. A JOINT RESOLUTION providing for

an investigation, study and survey by the Legislative Research Commission regarding the establishment of a state supported medical school at the University of Kentucky.

H. Res. No. 36. A RESOLUTION relating to certain funds now held by the State Board of Health.

H. Res. No. 27. A JOINT RESOLUTION providing for an investigation, study, and survey by the Constitution Review Commission regarding prosecution in criminal cases on information rather than indictment when the grand jury is not in session.

H. Res. No. 24. A JOINT RESOLUTION authorizing Alvin Adkins of Paintsville, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 22. A JOINT RESOLUTION authorizing Mrs. Catherine Berghaus to sue the Commonwealth of Kentucky for damages resulting from the death of her son.

H. Res. No. 19. A JOINT RESOLUTION authorizing Harry Bowman to file suit against the Commonwealth of Kentucky, the State Department of Welfare, State Division of Hospitals and Mental Hygiene, and Central State Hospital, or any one or more of them.

H. Res. No. 11. A JOINT RESOLUTION authorizing Curt McCarty, as the next friend of H. K. McCarty, an infant, to sue the Commonwealth of Kentucky and the Department of Military Affairs, or either.

H. Res. No. 55. A JOINT RESOLUTION authorizing the Fiscal Court of Calloway County to sue the Commonwealth of Kentucky and the Department of Highways, or either.

H. Res. No. 56. A JOINT RESOLUTION authorizing the personal representaives of Grant Judd, Augustus Mainous and William Flannery, deceased, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

H. Res. No. 60. A JOINT RESOLUTION authorizing the payment of a claim of Dr. W. E. Wyman of LaGrange, Kentucky.

H. Res. No. 61. A JOINT RESOLUTION authorizing and

directing payment of a claim of the Lexington Water Company of Lexington, Kentucky.

H. Res. No. 65. A RESOLUTION relating to the Murray State College Basketball Team.

H. Res. No. 62. A JOINT RESOLUTION recommending the procurement of an automatic roll-call system for use in the House of Representatives of the General Assembly.

H. Res. No. 63. A JOINT RESOLUTION authorizing payment of a claim against the Department of Highways and the Commonwealth of Kentucky.

H. B. No. 446. AN ACT relating to teachers.

H. B. No. 452. AN ACT concerning the definition, apportionment, payment and records of costs of grade crossing elimination projects in cities of the first class.

H. B. No. 451. AN ACT concerning the elimination of grade crossings in cities of the first class and the issuance of bonds to provide for the payment of the Cities' share of the expense thereof and amending section 93.330 Kentucky Revised Statues.

H. B. No. 430. AN ACT relating to alcoholic beverage licenses.

H. B. No. 350. AN ACT relating to motor transportation and motor vehicles.

H. B. No. 66. AN ACT concerning inheritance taxes.

With expression of opinion that same should pass.

Whereupon said bills and resolutions were read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 268. AN ACT relating to man-made structures installed in streams.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 377. AN ACT amending Section 417.040 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 395. AN ACT relating to the excise tax on alcoholic beverages.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

S. Res. No. 15. A JOINT RESOLUTION authorizing James Daniel Chancey, Louisville, Kentucky to sue the Commonwealth of Kentucky.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 172. AN ACT relating to persons handicapped as a result of cerebral palsy, poliomelitis, muscular dystrophy, or spina bifida.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 189. AN ACT authorizing cities of the second class to provide sewer services to common schools located outside of its boundaries.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 263. AN ACT relating to the sale or offering for sale of soap, disinfectant, detergent, liquid wax, floor cleaner, toilet bowl cleaner, scouring powder or other sanitary chemicals.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 267. AN ACT relating to motion picture film censorship.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 134. AN ACT relating to Workmen's Compensation.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 394. AN ACT changing the classification of the City of Highland Heights, in Campbell County.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

At this time the President of the Senate vacated the chair. Senator Cox, President Pro Tem, assumed the chair and presided over the Senate.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 332. AN ACT relating to the fees of court commissioners and receivers.

Senator Moloney moved the adoption of Amendment No. 1, which is as follows:

AMENDMENT NO. 1 to HOUSE BILL NO. 332.

By striking lines 8 on page 1 through lines 40, page 2, and substituting in lieu thereof the following:

"To a commissioner for making a deed $2.25. To master commissioner or receiver, where the amount is not agreed upon by the parties, for each day they are actually engaged___$4.50. For selling land or personal property:

Where the amount of the sale does not exceed $2,000_$11.25

Where the sale amounts to more than $2,000, but does not exceed $5,000 _____$15.00.

Where the sale amounts to more than $5,000, but does not exceed $10,000 _____$22.50.

Where the sale exceeds $10,000_____$37.50.

Where the officer goes out of the county to make the sale he shall be allowed his actual expenses and $7.50 per day in addition to the fees.

Where more than one tract of land is sold under the same decree, the court may allow not exceeding $7.50 for each additional tract sold.

If a sale is set aside because of the fault of the officer making the sale, he shall not receive any compensation for his services connected with the sale.

For receiving and paying out money under an order of court:

Where the amount is more than $1,000, but does not exceed $2,000, 2% on the first $1,000 and 2% on the excess.

Where the amount is more than $2,000, but does not exceed $5,000, 2% on the first $2,000, and 1.5% on the excess.

Where the amount is over $5,000, he shall receive fees on the first $5,000 as above provided, and 1% on the remainder, not to exceed a total of $250, for such receipts and payments.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendment, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill, with amendment, having been dispensed with, said bill, with amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	William J. Sample
Eugene H. Clark	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	James R. Mansfield	Paul Stapleton
Archie Craft	C. W. A. McCann	Otis C. Thomas
Martin J. Duffy	Strother Melton	Wendell Van Hoose
Ernest M. Ford	Richard P. Moloney	Sylvester Wagner
Wayne Freeman	O. W. Montgomery	Ed P. Warinner
Julian Golden	Jack R. Reynolds	John M. Williams
Doug Hays	Freeman Robinson	E. V. Withers
Stanley Hoffman		—31

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 265. AN ACT to facilitate vehicular traffic in the Commonwealth of Kentucky by providing for the construction, maintenance, repair and operation of bridges; providing for the creation of bridge commissions in cities of the first class and conferring powers and imposing duties upon said commissions; providing for financing the construction of such bridges by the issuance of revenue bonds of said cities, payable solely from tolls and other revenues; providing that no debt of said cities shall be incurred in the exercise of any such powers; providing for the reversion of certain existing bridges; providing for the

collection of tolls and other revenues from all such bridges to pay such bonds and the interest thereon and the cost of maintenance, repair and operation; providing for the issuance of revenue refunding bonds; exempting from taxes all such bridges and bonds; and repealing KRS 181.010 (3) and 181.300 to 181.500, inclusive, relating to bridge commissions in cities of the first class.

Senator Shaikun offered the following amendments, viz:
Amendment No. 1 to House Bill 265

Amend printed copy of House Bill 265
on page 5, section 3, line 13

by adding after the semi-colon the words:

provided however that the Commission shall not construct more than two bridges;

Amendment No. 2 to House Bill 265

Amend printed copy of House Bill 265

on page 6, Section 3, line 41

Insert after the word "agreements" the following:

with the lowest and best bidders after public advertisement,

and strike from line 42 the comma after the word "bridge" and the words:

with or without public letting,

Amendment No. 3 to House Bill 265

Amend printed copy of House Bill 265

on page 7, Section 4, line 4

Insert following the comma, immediately after the word "Act":

within or without the Commonwealth,

Amendment No. 4 to House Bill 265

Amend printed copy of House Bill 265

on page 11, Section 5, lines 38-40

Strike all of the sentence after the word "bonds" and substitute therefor:

> upon the basis of public competition after advertisement in such manner as it may determine to be desirable, upon terms of not less than par and accrued interest to date of delivery.

Amendment No. 5 to House Bill 265

Amend printed copy of House Bill 265

on page 14, Section 7, lines 2 and 3

Insert a comma after the word "charge," strike the word "and" and insert immediately after the word "collect":

> and comingle

Strike the word "each" and add the letter "s" to the word "bridge" which is the first word in line 3.

Amendment No. 6 to House Bill 265

Amend printed copy of House Bill 265

on page 15, section 7, line 43

Add another sentence reading as follows:

> After the issuance of any bonds under the provisions of this Act, and after such time as there shall have been accumulated a sinking fund sufficient for the amortization of all such bonds as may then be outstanding, such bridge or bridges shall be maintained and operated free of tolls.

Amendment No. 7 to House Bill 265

Amend printed copy of House Bill 265
on page 16, Section 9, line 4

Strike the word "to" immediately after the word "extent" and before the word "the."

Amendment No. 8 to House Bill 265

Amend printed copy of House Bill 265

on page 20, Section 15, line 20

Insert immediately following the word "tolls" the following:

prior to the issuance of its revenue bonds, and as long as any of such revenue bonds or revenue refunding bonds may remain outstanding and unpaid,

Senator Shaikun moved the adoption of Amendment No. 1.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Shaikun moved the adoption of Amendment No. 2.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Shaikun moved the adoption of Amendment No. 3.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Shaikun moved the adoption of Amendment No. 4.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Shaikun moved the adoption of Amendment No. 5.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Shaikun moved the adoption of Amendment No. 6.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Shaikun moved the adoption of Amendment No. 7.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Shaikun moved the adoption of Amendment No. 8.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Shaikun moved the Previous Question.

Thereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendments, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendments, be dispensed with, and that said bill, with amendments, be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendments, having been dispensed with, said bill, with amendments, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendments, in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	James P. Hanratty	Strother Melton
Bernard J. Bonn	Doug Hays	O. W. Montgomery
Eugene H. Clark	Stanley Hoffman	William J. Sample
Augustus Cornett	Dr. J. E. Johnson	Leon Shaikun
Louis Cox	Alvin Kidwell	Cortis K. Stacy
Archie Craft	James Lassiter	Paul Stapleton
Martin J. Duffy	C. W. A. McCann	Sylvester Wagner
Wayne Freeman	James R. Mansfield	
Julian Golden	Earl F. Martin	—25

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendments, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 140. AN ACT relating to reports required in connection with motor vehicle accidents.

Senator Moloney offered an amendment by way of Committee Substitute. (For said amendment see S.J. of March 13, 1952)

Senator Moloney moved that the Senate do now adopt said amendment by way of Committee Substitute.

Said motion was agreed to.

And thereupon said amendment by way of Committee Substitute therefor was agreed to.

Senator Moloney moved the previous question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, as amended, be engrossed and read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, as amended, be dispensed with and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill, as amended by way of Committee Substitute, having been dispensed with, and same having been engrossed, said bill, as amended by way of Committee Substitute, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, as amended by way of Committee Substitute, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the negative were—

H. Stanley Blake	Dr. J. E. Johnson	Freeman Robinson
Eugene H. Clark	Alvin Kidwell	William J. Sample
Augustus Cornett	Bert Kiser	Clay Shackleford
Louis Cox	James Lassiter	Leon Shaikun
Archie Craft	Homer E. Losey	Cortis K. Stacy
Martin J. Duffy	James R. Mansfield	Paul Stapleton
Ernest M. Ford	Earl F. Martin	Otis C. Thomas
Wayne Freeman	C. W. A. McCann	Wendell Van Hoose
James P. Hanratty	Strother Melton	Sylvester Wagner
Doug Hays	O. W. Montgomery	Ed P. Warinner
Stanley Hoffman	Jack R. Reynolds	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, as amended by way of Committee Substitute, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

HOUSE MESSAGE

A message which was received from the House of Representatives announced that they had passed bills which originated in the Senate of the following titles, viz:

S. B. No. 102. AN ACT establishing County Social Service Advisory Committees for public assistance and child welfare.

S. B. No. 107. AN ACT relating to a sewer district in cities of the second class and in counties containing such cities.

S. B. No. 117. AN ACT related to utilities in cities of the third class, Providing for the amendment of subsection (2) and (5) of section 96.176, section 96.182, and subsection (3) of section 96.183 of the Kentucky Revised Statutes.

S. B. No. 145. AN ACT relating to crimes and punishments.

S. B. No. 152. AN ACT relating to the Department of State Police.

S. B. No. 162. AN ACT relating to administrative agencies of the state government; including provisions as to the preparation, filing, effectiveness and publication or distribution of administrative regulations, procedure before administrative agencies, and judicial review of the actions of administrative agencies.

S. B. No. 165. AN ACT relating to inquest, commitment and discharge of incompetent persons, amending section 202.080 of the Kentucky Revised Statutes.

S. B. No. 179. AN ACT relating to tuberculosis sanatoria operated by city-county boards of health in counties containing a city of the first class.

S. B. No. 224. AN ACT relating to the furnishing of school services to children in certain state institutions.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

S. B. No. 100. AN ACT relating to a study of the problem of Alcoholism in the State, providing for an Alcoholic Study Commission and for the furnishing of assistance and facilities by the Legislative Research Commission; and making an appropriation.

With a title amendment thereto, which is as follows:

On page 1, by adding to the title, following the last word "appropriation" the following words "this Act to be known as the BAER-MARTIN ACT.

In which the House asks the concurrence of the Senate.

S. B. No. 47. AN ACT concerning compensation of county commissioners.

With House amendment thereto, which is as follows:

On page 1, by adding on page (one) preceding the enacting clause the following words:

'An Act amending and re-enacting Section 67.110 of KRS pertaining to Compensation of Justices and Commissioners for serving on fiscal courts, in certain counties.'

In which the House asks the concurrenec of the Senate.

ORDERS OF THE DAY

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 63. AN ACT relating to actions for libel or slander amending Section 411.050 of the Kentucky Revised Statutes.

Senator Moloney offered an amendment by way of Committee Substitute. (For said amendment see S. J. of March 6, 1952.)

Senator Moloney moved that the Senate do now adopt said amendment by way of Committee Substitute.

Said motion was agreed to.

And thereupon said amendment by way of Committee Substitute therefor was agreed to.

Senator Moloney moved the adoption of the following amendment.

Amend printed copy of COMMITTEE SUBSTITUTE for House Bill 63 on page 3, section 1, line 61 through 64.

By striking out all of subsection (6), lines 61 through 64, and substituting therefor the following:

"(6) Allegations and proof of any of the matters set out in subsection (1) of this section shall be considered in mitigation of damages."

Said motion was agreed to.

Thereupon said amendment to said Committee Substitute was adopted.

Senator Moloney moved the previous question.

Whereupon, the President pro tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendment by way of Committee Substitute, and as further amended, be dispensed with and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill, as amended by way of Committee Substitute, and as further amended, having been dispensed with, and same having been engrossed, said bill, as amended by way of Committee Substitute, and as further amended, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, as amended by way of Committee Substitute, and as further amended, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the negative were—

H. Stanley Blake	Dr. J. E. Johnson	Freeman Robinson
Eugene H. Clark	Alvin Kidwell	William J. Sample
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Otis C. Thomas
Ernest M. Ford	Earl F. Martin	Wendell Van Hoose
Wayne Freeman	C. W. A. McCann	Sylvester Wagner
Julian Golden	Strother Melton	Ed P. Warinner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
Stanley Hoffman	Jack R. Reynolds	—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, as amended by way of Committee Substitute, and as further amended, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 48. AN ACT imposing a penalty for removing or altering numbers on farm tractors or other units of farm equipment or machinery, amending Section 433.640 of the Kentucky Revised Statutes.

With House Amendment by way of Committee Substitute. (For said House amendment see S.J. of March 13, 1952)

Senator Moloney moved that the Senate do now concur in said House Amendment by way of Committee Substitute.

Said motion was agreed to.

And thereupon said House Amendment by way of Committee Substitute therefor was concurred in.

Senator Moloney moved the previous question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, as amended, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, as amended by way of House Committee Substitute, be dispensed with and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill, as amended by way of House Committee Substitute, having been dispensed with, said bill, as amended by way of House Committee Substitute, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, as amended by way of House Committee Substitute, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the negative were—

H. Stanley Blake	Bert Kiser	William J. Sample
Eugene H. Clark	James Lassiter	Leon Shaikun
Augustus Cornett	Homer E. Losey	Cortis K. Stacy
Louis Cox	James R. Mansfield	Paul Stapleton
Archie Craft	Earl F. Martin	Otis C. Thomas
Martin J. Duffy	C. W. A. McCann	Wendell Van Hoose
Julian Golden	Strother Melton	Sylvester Wagner
James P. Hanratty	Richard P. Moloney	Ed P. Warinner
Doug Hays	O. W. Montgomery	John M. Williams
Stanley Hoffman	Jack R. Reynolds	E. V. Withers
Alvin Kidwell	Freeman Robinson	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, as amended by way of House Committee Substitute, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 76. AN ACT relating to the compensation of county tax commissioners.

Senator Moloney moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	Freeman Robinson
Augustus Cornett	Alvin Kidwell	Leon Shaikun
Louis Cox	James Lassiter	Paul Stapleton
Archie Craft	James R. Mansfield	Otis C. Thomas
Martin J. Duffy	C. W. A. McCann	Wendell Van Hoose
Wayne Freeman	Strother Melton	Sylvester Wagner
Julian Golden	Richard P. Moloney	Ed P. Warinner
James P. Hanratty	Jack R. Reynolds	John M. Williams
Stanley Hoffman	O. W. Montgomery	E. V. Withers

—27

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 77. AN ACT relating to the office of county tax commissioner.

Senator Moloney moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	Freeman Robinson
Eugene H. Clark	Alvin Kidwell	Leon Shaikun
Augustus Cornett	James Lassiter	Paul Stapleton
Louis Cox	James R. Mansfield	Otis C. Thomas
Archie Craft	C. W. A. McCann	Wendell Van Hoose
Martin J. Duffy	Strother Melton	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warinner
Julian Golden	O. W. Montgomery	John M. Williams
Stanley Hoffman	Jack R. Reynolds	E. V. Withers

—27

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At this time the President Pro Tem vacated the chair. The President of the Senate resumed the chair and presided over the Senate.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 214. AN ACT concerning regulation of the manufacture, sale, transportation, distribution and use of economic poisons and devices, including fungicides, rodenticides and herbicides.

Senator McCann moved the Previous Question.

Senator McCann moved that the vote by which the Previous Question was passed be reconsidered.

Said motion was disagreed to.

Thereupon said motion was lost.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	O. W. Montgomery
Eugene H. Clark	Bert Kiser	Freeman Robinson
Augustus Cornett	James R. Mansfield	Leon Shaikun
Archie Craft	Earl F. Martin	Cortis K. Stacy
Martin J. Duffy	C. W. A. McCann	Paul Stapleton
James P. Hanratty	Richard P. Moloney	Wendell Van Hoose

—18

Those who voted in the negative were—

Wayne Freeman	Stanley Hoffman	—2

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At this time the President of the Senate vacated the Chair.

Senator Montgomery assumed the chair and presided over the Senate.

At the instance of the Committee on Rules the Senate took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 123. AN ACT relating to bail.

Senator Moloney moved that consideration of said bill be deferred and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 206. AN ACT relating to support of dependents.

Senator Moloney moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Bert Kiser	Freeman Robinson
Augustus Cornett	James Lassiter	William J. Sample
Archie Craft	Homer E. Losey	Leon Shaikun
Martin J. Duffy	James R. Mansfield	Cortis K. Stacy
Wayne Freeman	Earl F. Martin	Paul Stapleton
Julian Golden	Strother Melton	Wendell Van Hoose
James P. Hanratty	Richard P. Moloney	Sylvester Wagner
Doug Hays	O. W. Montgomery	John M. Williams
Alvin Kidwell	Jack R. Reynolds	E. V. Withers

—27

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 187. AN ACT concerning assets of the Kentucky Rural Rehabilitation Corporation.

Senator Moloney moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	O. W. Montgomery
Eugene H. Clark	Dr. J. E. Johnson	Cortis K. Stacy
Augustus Cornett	Alvin Kidwell	Otis C. Thomas
Louis Cox	Bert Kiser	Wendell Van Hoose
Archie Craft	James Lassiter	Sylvester Wagner
Martin J. Duffy	Homer E. Losey	Ed P. Warinner
Wayne Freeman	James R. Mansfield	John M. Williams
James P. Hanratty	Strother Melton	E. V. Withers
Doug Hays	Richard P. Moloney	—26

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

H. Res. No. 28. A JOINT RESOLUTION authorizing Polly Darnell, administratrix of the Estate of Jessie Myers Darnell, deceased, to sue the Commonwealth of Kentucky.

Senator Moloney moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	Freeman Robinson
Eugene H. Clark	Bert Kiser	William J. Sample
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	C. W. A. McCann	Sylvester Wagner
James P. Hanratty	Strother Melton	Ed P. Warinner
Doug Hays	Richard P. Moloney	John M. Williams
Dr. J. E. Johnson	O. W. Montgomery	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 123. AN ACT relating to bail.

Senator Hanratty moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as

to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	William J. Sample
Eugene H. Clark	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Martin J. Duffy	Homer E. Losey	Paul Stapleton
Wayne Freeman	James R. Mansfield	Otis C. Thomas
Julian Golden	Earl F. Martin	Wendell Van Hoose
James P. Hanratty	C. W. A. McCann	Sylvester Wagner
Doug Hays	O. W. Montgomery	Ed P. Warinner
Stanley Hoffman	Jack R. Reynolds	E. V. Withers
Dr. J. E. Johnson	Freeman Robinson	—29

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 307. AN ACT relating to persons performing services in connection with the taking, recording and transcribing of evidence or judicial proceedings in counties having a population of 150,000 or more, including but not limited to provisions concerning the compensation and fees of such persons, and amending and re-enacting KRS 28.440.

Senator Duffy moved the Previous Question.

Whereupon, the President ProTem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	William J. Sample
Eugene H. Clark	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	C. W. A. McCann	Sylvester Wagner
James P. Hanratty	Strother Melton	Ed P. Warinner
Doug Hays	Richard P. Moloney	John M. Williams
Stanley Hoffman	O. W. Montgomery	E. V. Withers
Dr. J. E. Johnson	Freeman Robinson	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then

took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 333. AN ACT relating to public welfare in cities of the first class.

Senator Duffy moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	William J. Sample
Eugene H. Clark	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	James R. Mansfield	Otis C. Thomas
Martin J. Duffy	C. W. A. McCann	Wendell Van Hoose
Wayne Freeman	Strother Melton	Sylvester Wagner
James P. Hanratty	O. W. Montgomery	Ed P. Warinner
Doug Hays	Jack R. Reynolds	E. V. Withers
Dr. J. E. Johnson	Freeman Robinson	—26

There voted in the negative—

Homer E. Losey —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 431. AN ACT relating to fiscal courts.

Senator Stapleton moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	James Lassiter	Cortis K. Stacy
Eugene H. Clark	James R. Mansfield	Paul Stapleton
Augustus Cornett	C. W. A. McCann	Otis C. Thomas
Louis Cox	Strother Melton	Wendell Van Hoose
Martin J. Duffy	Richard P. Moloney	Sylvester Wagner
Wayne Freeman	O. W. Montgomery	Ed P. Warinner
James P. Hanratty	Jack R. Reynolds	John M. Williams
Doug Hays	Freeman Robinson	E. V. Withers
Dr. J. E. Johnson	William J. Sample	
Alvin Kidwell	Leon Shaikun	—28

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 308. AN ACT changing the classifiaction of the City of Shively, in Jefferson County, Kentucky.

Senator Shaikun moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Eugene H. Clark	Stanley Hoffman	C. W. A. McCann
Augustus Cornett	Dr. J. E. Johnson	Strother Melton
Louis Cox	Alvin Kidwell	Richard P. Moloney
Martin J. Duffy	Bert Kiser	O. W. Montgomery
Wayne Freeman	James Lassiter	Jack R. Reynolds
James P. Hanratty	Homer E. Losey	Freeman Robinson

William J. Sample	Cortis K. Stacy	John M. Williams
Leon Shaikun	Wendell Van Hoose	E. V. Withers

—24

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 55. AN ACT concerning pay of jurors.

Senator Cox moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas nad nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Martin J. Duffy	Doug Hays
Eugene H. Clark	Ernest M. Ford	Stanley Hoffman
Augustus Cornett	Wayne Freeman	Dr. J. E. Johnson
Louis Cox	Julian Golden	Alvin Kidwell
Archie Craft	James P. Hanratty	Bert Kiser

James Lassiter	O. W. Montgomery	Otis C. Thomas
Homer E. Losey	Jack R. Reynolds	Wendell Van Hoose
James R. Mansfield	Freeman Robinson	Sylvester Wagner
Earl F. Martin	William J. Sample	Ed P. Warinner
C. W. A. McCann	Leon Shaikun	John M. Williams
Strother Melton	Cortis K. Stacy	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 65. AN ACT concerning clerks and treasurers of cities of the fourth class.

Senator Cox moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	Freeman Robinson
Eugene H. Clark	Bert Kiser	William J. Sample
Augustus Cornett	James Lassiter	Leon Shaikun
Louis Cox	Homer E. Losey	Cortis K. Stacy
Martin J. Duffy	James R. Mansfield	Paul Stapleton
Ernest M. Ford	Earl F. Martin	Otis C. Thomas
Wayne Freeman	C. W. A. McCann	Wendell Van Hoose
Julian Golden	Strother Melton	Sylvester Wagner
James P. Hanratty	Richard P. Moloney	Ed P. Warinner
Doug Hays	O. W. Montgomery	John M. Williams
Stanley Hoffman	Jack R. Reynolds	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 222. AN ACT relating to Alimony and Divorce actions, amending and re-enacting section 423 of Carroll's Code of Civil Practice.

Senator Cox moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	Freeman Robinson
Eugene H. Clark	Bert Kiser	William J. Sample
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	C. W. A. McCann	Sylvester Wagner
James P. Hanratty	Strother Melton	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
Stanley Hoffman	Jack R. Reynolds	—29

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At this time Senator Montgomery vacated the chair. The President of the Senate resumed the chair and presided over the Senate.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 255. AN ACT relating to places of entertainment.

Senator Robinson moved the previous question.

Said motion was disagreed to.

Senator Kidwell moved that said bill be placed on the Clerk's desk.

Said motion was agreed to.

Ordered that said bill be placed on the Clerk's desk.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 268. AN ACT relating to compensation of jurors.

Senator Wagner moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said billl be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Augustus Cornett	James Lassiter	Leon Shaikun
Louis Cox	Homer E. Losey	Cortis K. Stacy
Martin J. Duffy	James R. Mansfield	Otis C. Thomas
Ernest M. Ford	Earl F. Martin	Wendell Van Hoose
Wayne Freeman	C. W. A. McCann	Sylvester Wagner
James P. Hanratty	Strother Melton	Ed P. Warinner
Doug Hays	O. W. Montgomery	John M. Williams
Dr. J. E. Johnson	Jack R. Reynolds	E. V. Withers
Alvin Kidwell	Freeman Robinson	
Bert Kiser	William J. Sample	—28

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 64. AN ACT relating to disclosure of sources of information published by newspapers, radio and television stations amending section 421.100 of the Kentucky Revised Statutes.

Senator Cox moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Wayne Freeman	James Lassiter
Eugene H. Clark	Julian Golden	Homer E. Losey.
Augustus Cornett	Doug Hays	James R. Mansfield
Louis Cox	Dr. J. E. Johnson	Earl F. Martin
Martin J. Duffy	Alvin Kidwell	C. W. A. McCann
Ernest M. Ford	Bert Kiser	Strother Melton

O. W. Montgomery	Cortis K. Stacy	Sylvester Wagner
Jack R. Reynolds	Paul Stapleton	Ed P. Warinner
Freeman Robinson	Otis C. Thomas	John M. Williams
William J. Sample	Wendell Van Hoose	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a resolution entitled, viz:

S. RES. No. 35. A JOINT RESOLUTION directing the Department of Conservation to study the establishment of a Park in the Breaks.

Senator Johnson moved the adoption of said amendment.

Said motion was agreed to.

Thereupon said resolution was adopted.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 47. AN ACT concerning compensation of County Commissioners.

Senator Ford moved the adoption of House Amendment to title as follows:

On page 1, by adding on page (one) of the printed bill preceding the enacting clause the following words:

"An act amending and re-enacting Section 67.110 of KRS pertaining to Compensation of Justices and Commissioners for serving on fiscal courts, in certain counties."

Said motion was agreed to.

Thereupon said House amendment to title was concurred in.

Senator Kidwell moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

The yeas and nays being taken on the passage of said bill, with House Amendment to title, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Richard P. Moloney
Eugene H. Clark	Dr. J. E. Johnson	Freeman Robinson
Augustus Cornett	Alvin Kidwell	William J. Sample
Louis Cox	Bert Kiser	Leon Shaikun
Archie Craft	James Lassiter	Cortis K. Stacy
Martin J. Duffy	Homer E. Losey	Wendell Van Hoose
Ernest M. Ford	James R. Mansfield	Sylvester Wagner
Wayne Freeman	Earl F. Martin	John M. Williams
Julian Golden	C. W. A. McCann	E. V. Withers
James P. Hanratty	Strother Melton	—29

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with House Amendment to title, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

INTRODUCTION OF RESOLUTION

A resolution of the following title was introduced, viz:

By Senator Stapleton.

S. Res. No. 38. A RESOLUTION advocating a commendation for exceptionally meritorious services rendered to the Commonwealth of Kentucky both by the Agricultural and Industrial Development Board and the Governor's Small Business Commission.

Said resolution is as follows, viz:

WHEREAS, in the period of time since the Board, a voluntary group serving without pay, was created in 1948, under the Chairmanship of Earl R. Muir, it has made a major contribution to the movement of new capital and industrial payrolls into Kentucky on a scale unmatched in the history of the State.

WHEREAS, the Board has compiled and distributed two editions of the most comprehensive directory of Kentucky manufacturers and mining operations ever published;

WHEREAS, the Board has become the first designated State agency to represent Kentucky regionally and nationally in conference concerned with industrial mobilization programs and with commercial and industrial use of natural assets; and, through this extension of scope of work, the Board has membership in both the Association of State Planning and Development Agencies and the Southern Association of State Planning and Development Agencies, thus receiving national recognition of its program and a further evidence of esteem in that the Executive Director of the Board, George W. Hubley, Jr., has been elected to high office in both organizations;

WHEREAS, the Governor's Small Business Commission, a group of business men who, with George W. Hubley, Jr. as Chairman, are all serving without pay, has become the first State agency in Kentucky's history to represent small business interests in bringing government contracts into the State, with accomplishments that can be seen in a report released March 11, 1952, announcing that Kentucky's portion of military prime contracts increased 69% in the last three months of 1951 as against the previous quarter ending in September;

WHEREAS, the Board has already accomplished more large-scale topographic mapping than in all of Kentucky's history, thereby producing maps which in the opinion of competent mapping authorities are worth many times their cost in terms of use for geologic exploration, industrial development, soil studies, water surveys, etc.;

WHEREAS, the Board has made possible the compilation and publication of more practical information on Kentucky's mineral resources than was availabel in the past 20 years, thus

constituting a body of knowledge of incalculable value in the State's development;

WHEREAS, the Board has initiated Kentucky's first State-wide water resources investigation and it has been acclaimed as one of the most comprehensive studies of its kind in the nation;

WHEREAS, the Board has surveyed and published the economic assets of almost 50 Kentucky communties and is continuing these surveys to form a great source of information for the benefit of the communties and the interest of potential investors;

WHEREAS, the Board is compiling and will soon publish the first comprehensive atlas of general economic data in the State;

WHEREAS, the Board is the only State agency that is aiding Kentucky communties in their Planning and Zoning problems;

WHEREAS, the Board has been an active participant in numerous fields closely related to the continued and prosperous development of the State; it has intervened in the problems of shortages of natural gas for domestic and industrial use; it has aided small business in matters of critical materials; it has been designated by the Governor to coordinate Kentucky's steel scrap drive; it has issued many reports for industry on synthetic fuels, oil development, minerals, specialized industrial facilities, labor force, special agricultural and timber products;

WHEREAS, the Board has become the first State agency cooperating in the number of projects with the Commissioner of Agriculture, the College of Agriculture, and Federal agencies to develop industries and new marketing facilities for using agricultural products and participating in Kentucky's first agricultural processing survey for increasing use of Kentucky's raw agricultural products; the Board has also undertaken to publish the first State-wide Land Capability Map as a guide to agricultural diversification and the location of more agricultural processing industries in the State;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Agricultural and Industrial Development Board and the Governor's Small Business Commission of Kentucky be commended by this body for its devotion to the task assigned by the legislation under which it operates and for the outstanding contribution it has made to the industrial and agricultural progress of the Commonwealth. It should be further noted in this commendation that the excellent cooperation and support of civic and service groups on local and State levels, public utilities, educators and businessmen and other State agencies, has made the work of the Board effective to a point where the growing importance of Kentucky's economy is being felt not only in every part of the Commonwealth, but also throughout the nation.

Ordered that said resolution be printed and referred.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 100. AN ACT relating to a study of the problem of Alcoholism in the state, providing for an Alcoholic Study Commission and for the furnishing of assistance and facilities by the Legislative Research Commission; and making an appropriation.

Senator Kidwell moved the adoption of House Amendment to the title, as follows:

On page 1, by adding to the title, following the last word "appropriation" the following words "this Act to be known as the BAER-MARTIN ACT.

Said motion was agreed to.

Thereupon said House Amendment to title was adopted.

Senator Kidwell moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

The yeas and nays being taken on the passage of said bill, with House Amendment to title, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Bert Kiser	Freeman Robinson
Eugene H. Clark	James Lassiter	William J. Sample
Augustus Cornett	Homer E. Losey	Cortis K. Stacy
Louis Cox	James R. Mansfield	Paul Stapleton
Archie Craft	Earl F. Martin	Wendell Van Hoose
Wayne Freeman	C. W. A. McCann	Sylvester Wagner
Julian Golden	Strother Melton	Ed P. Warinner
Doug Hays	Richard P. Moloney	John M. Williams
Alvin Kidwell	O. W. Montgomery	E. V. Withers

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Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with House Amendment to title, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 15. AN ACT amending the law relating to holidays, so as to include as a holiday St. Patrick's Day (March 17)

Senator Moloney moved that said bill be recommitted.

Said motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled bills and resolutions of the following titles, viz:

H. Res. No. 49. A JOINT RESOLUTION providing for the payment of compensation for services rendered and expenses

incurred in connection with and related to the present session of the General Assembly; appropriating money from the Legislative Session Fund for the purposes of such compensation; providing for the distribution of the money so appropriated; and declaring an emergency.

H. Res. No. 40. A JOINT RESOLUTION providing for the purchase and distribution of copies of the Kentucky Directory, 1952 Edition.

H. Res. No. 50. A JOINT RESOLUTION for the benefit of officers and employes of the Senate and the House of Representatives; and declaring an emergency.

H. Res. No. 51. A JOINT RESOLUTION providing for payment of ministers of churches of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly.

H. B. No. 14. AN ACT relating to elections, both regular and primary, with particular relation to the hours the polls are to be open, and the hour the board of election commissioners shall meet for the purpose of counting the ballots.

H. B. No. 119. AN ACT relating to salaries of mayors and commissioners.

H. B. No. 256. AN ACT relating to Grade Crossings in Counties Containing a City of the first class.

H. B. No. 276. AN ACT relating to income taxation.

H. B. No. 402. AN ACT relating to the office of sheriff and to the payment and collection of taxes.

H. B. No. 415. AN ACT relating to banking.

Thereupon, all other business was suspended, said bills and resolutions were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate affixed his signature thereto.

Ordered that the Chief Clerk of the Senate deliver the original and enrolled copies of said bills and resolutions to the Enrolling Clerk of the House.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

Senator Moloney moved that the Senate do now adjourn until 1 P.M., Wednesday, March 19, 1952.

Said motion was agreed to.

And then the Senate adjourned.

WEDNESDAY, MARCH 19, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by Monsignor Joseph A. O'Dwyer, of the Church of the Good Shepherd, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	James R. Mansfield	Otis C. Thomas
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Ernest M. Ford	C. W. A. McCann	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warinner
Julian Golden	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
W. Thomas Hines	Jack R. Reynolds	
Stanley Hoffman	Freeman Robinson	—37

The following Senator was absent:

James P. Hanratty —1

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings for Tuesday, March 18, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

REPORT OF COMMITTEE ON RULES

Honorable Emerson Beauchamp, Chairman of the Committee on Rules, to which same had been referred previously, reported bills and resolutions of the following titles, viz:

H. Res. No. 31. A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Nancy Combs, of Vicco, Kentucky, committee for John Combs.

H. Res. No. 30. A RESOLUTION, authorizing Blanche Kibbey to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both.

H. Res. No. 32. A JOINT RESOLUTION the payment of a pauper idiot claim to Eli Campbell, of Cornettsville, Kentucky, committee for Ivan Campbell.

H. B. No. 318. AN ACT relating to the reporting of contributions and expenditures in connection with elections.

H. B. No. 136. AN ACT relating to the equipment of rail track motor cars.

H. B. No. 28. AN ACT relating to game and fish.

H. B. No. 41. AN ACT concerning zoning and planning in cities of the first class and in counties containing such cities.

H. Res. No. 38. A JOINT RESOLUTION authorizing Oscar Crawford, of Hardin County, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

With expression of opinion that same should pass.

Whereupon said bills and resolutions were read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

R. Res. No. 47. A JOINT RESOLUTION concerning the official name designation of the State park located within the Pennyrile Forest area loacted in northern Christian County near Dawson Springs.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 48. A JOINT RESOLUTION providing for the payment of pauper idiot claims.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 52. A JOINT RESOLUTION authorizing the Iuka Ferry Company, a Corporation incorporated under the laws of Kentucky, to file suit against the Commonwealth of Kentucky, the Department of Highways or any one or more of them.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 10. A JOINT RESOLUTION authorizing Coburn Bach, as the Father and next friend of Jimmy Bach, an infant, to sue the Department of Military Affairs and the Commonwealth of Kentucky, or either.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 36. A RESOLUTION relating to certain funds now held by the State Board of Health.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 46. A JOINT RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission regarding the establishment of a state supported medical school at the University of Kentucky.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 24. A JOINT RESOLUTION authorizing Alvin Adkins of Paintsville, Kentucky to sue the Commonwealth of Kentucky.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration form the Calendar a resolution of the following title, viz:

H. Res. No. 27. A JOINT RESOLUTION providing for an investigation, study, and survey by the Constitution Review Commission regarding prosecution in criminal cases on information rather than indictment when the grand jury is not in session.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 19. A JOINT RESOLUTION authorizing Harry Bowman to file suit against the Commonwealth of Kentucky, the State Department of Welfare, State Division of Hospitals and Mental Hygiene, and Central State Hospital, or any one or more of them.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 22. A JOINT RESOLUTION authorizing Mrs. Catherine Berghaus to sue the Commonwealth of Kentucky for damages resulting from the death of her son.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 55. A JOINT RESOLUTION authorizing the Fiscal Court of Calloway County to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 11. A JOINT RESOLUTION authorizing Curt McCarty, as the next friend of H. K. McCarty, an infant, to sue the Commonwealth of Kentucky and the Department of Military Affairs, or either.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 56. A JOINT RESOLUTION authorizing the personal representatives of Grant Judd, Augustus Mainous and William Flannery, deceased, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 61. A JOINT RESOLUTION authorizing and directing payment of a claim of the Lexington Water Company of Lexington, Kentucky.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 60. A JOINT RESOLUTION authorizing the payment of a claim of Dr. W. E. Wyman of LaGrange, Kentucky.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 65. A RESOLUTION relating to the Murray State College Basketball Team.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 62. A JOINT RESOLUTION recommending the procurement of an automatic roll-call system for use in the House of Representatives of the General Assembly.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 446. AN ACT relating to teachers.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 63. A JOINT RESOLUTION authorizing payment of a claim against the Department of Highways and the Commonwealth of Kentucky.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as

to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 451. AN ACT concerning the elimination of grade crossings in cities of the first class and the issuance of bonds to provide for the payment of the Cities' share of the expense thereof and amending section 93.330 Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 452. AN ACT concerning the definition, apportionment, payment and records of costs of grade crossing elimination projects in cities of the first class.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as

to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 66. AN ACT concerning inheritance taxes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 350. AN ACT relating to motor transportation and motor vehicles.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second

reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 430. AN ACT relating to alcoholic beverage licenses.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

S. B. No. 102. AN ACT establishing County Social Service Advisory Committees for public assistance and Child Welfare.

S. B. No. 107. AN ACT relating to a sewer district in cities of the second class and in counties containing such cities.

S. B. No. 117. AN ACT related to utilties in cities of the third class, providing for the amendment of subsection (2) and (5) of section 96.176, section 96.182, and subsection (3) of section 96.183 of the Kentucky Revised Statutes.

S. B. No. 145. AN ACT relating to crimes and punishments.

S. B. No. 152. AN ACT relating to the Department of State Police.

S. B. No. 162. AN ACT relating to administrative agencies of the state government; including provisions as to the preparation, filing, effectiveness and publication or distribution of administrative regulations, proceedure before administrative agencies, and judicial review of the actions of administrative agencies.

S. B. No. 165. AN ACT relating to inquest, commitment and discharge of incompetent persons, amending section 202.080 of the Kentucky Revised Statutes.

S. B. No. 179. AN ACT relating to tuberculosis sanatoria operated by city-county boards of health in counties containing a city of the first class.

S. B. No. 224. AN ACT relating to the furnishing of school services to children in certain state institutions.

S. B. No. 100. AN ACT relating to a study of the problem of Alcoholism in the State, providing for an Alcoholic Study Commission and for the furnishing of assistance and facilities by the Legislative Research Commission; and making an appropriation.

S. B. No. 47. AN ACT concerning compensation of county commissioners.

S. B. No. 48. AN ACT imposing a penalty for removing or altering numbers on farm tractors or other units of farm equipment or machinery, amending Section 433.640 of the Kentucky Revised Statutes.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled; and thereupon the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Enrolling Clerk of the Senate deliver the original and enrolled copies of said bills to the House.

After a time the Enrolling Clerk delivered said original and enrolled copies of said bills duly signed by the Speaker of the House,

Ordered that the Chief Clerk of the Senate deliver said bills to the Governor.

After a time, the Chief Clerk aforesaid reported that he had discharged that duty.

HOUSE MESSAGE

A message was received from the House of Representatives announced that they had passed bills which originated in the Senate of the following titles, viz:

S. B. No. 166. AN ACT relating to city-county boards of health established by KRS 212.350; and providing for the recovery by such boards of fees and charges for treatment, care and services rendered by institutions operated and maintained by such boards to patients able to pay therefor, and creating subrogation rights in such boards against persons liable to such patients.

S. B. No. 173. AN ACT relating to sewers and drains in counties in which metropolitan sewer districts have been established.

S. B. No. 174. AN ACT relating to sewer and drainage facilities in cities of the first class.

S. B. No. 175. AN ACT relating to sewer and drainage facilities in cities of the first class and in counties containing such cities, amending and re-enacting Sections 76.030, 76.080, 76.130, 76.170, and 76.180, Kentucky Revised Statutes.

S. B. No. 192. AN ACT relating to off-street parking facilities in certain cities.

S. B. No. 193. AN ACT relating to Off-street Parking facilities in Cities, providing for an alternate plan for acquisition.

S. B. No. 194. AN ACT relating to alcoholic beverage licenses.

S. B. No. 222. AN ACT relating to the investment of state funds and moneys; amending KRS 41.380.

S. B. No. 223. AN ACT appropriating funds from the Gen-

eral Expenditure Fund for the payment of prior year claims for the fiscal year ending June 30, 1952.

S. B. No. 226. AN ACT providing the manner and time of electing members of county boards of education in counties containing a city of the first class, if and when an independent school district in a city of the first class is merged with the county school district, and providing for the filling of vacancies in office.

S. B. No. 225. AN ACT proposing an amendment to section 186 of the Constitution of Kentucky, relating to the Common School Fund.

S. B. No. 170. AN ACT to amend the Constitution of the Commonwealth of Kentucky relating to the subject of Officers for the State at Large, amending sections 84, 85, 87, 91, 92, 93 and 95 thereof.

S. B. No. 259. AN ACT to amend Section 271.155, Kentucky Revised Statutes, relating to shares, classes, and series of stock of private corporations.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

The message which was received from the House of Representatives also announced that they had adopted resolutions and passed bills which originated in that body of the following titles, viz:

H. Res. No. 16. A RESOLUTION authorizing Margaret M. Hoppe and Carl Hoppe, Jr. to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky or either of them.

Said resolution is as follows, viz:

WHEREAS, on or about October 4, 1949, Margaret M. Hoppe, of Boyle County, Kentucky, while operating the automobile of her husband, Carl Hoppe, Jr., along a public highway known as Kentucky State Highway 33 in Boyle County, Kentucky and exercising every precaution for her safety, by reason of the alleged defective condition of the said highway at the

time aforesaid, was unable to keep the said motor vehicle under control and as a result thereof said motor vehicle left the paved highway and overturned; and

WHEREAS, the Commonwealth of Kentucky and the Department of Highways were allegedly careless and negligent in permitting this defective condition to exist in said public highway, and having alleged knowledge of such defects, in failing to provide the necessary safeguards to the said Margaret M. Hoppe, and as the sole, direct and proximate result of the alleged carelessness and negligence aforesaid the said Margaret M. Hoppe suffered serious and permanent bodily injuries and was caused to endure much pain and suffering; and

WHEREAS all of the injuries, expenses, damages and suffering heretofore set out were caused and produced by the alleged carelessness and negligence of the Department of Highways, its agents, officers and employees, and the said Margaret M. Hoppe and Carl Hoppe, Jr. were free of any negligence whatsoever which contributed to or in any manner brought about the injuries complained of,

NOW, THEREFORE:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Margaret M. Hoppe and Carl Hoppe, Jr. are hereby authorized and permitted to sue the Commonwealth of Kentucky and the Department of Highways, or either of them, in the Circuit Court held in and for Boyle County, Kentucky, this being the county of their residence, and the county in which the injuries and damages complained of occurred, and the county where such injuries and damages were the direct and proximate result of the alleged carelessness and negligence of the Department of Highways.

Section 2. The said suit of Margaret M. Hoppe shall be for an amount not exceeding $25,000.00; and the suit of the said Carl Hoppe, Jr., shall be for an amount not exceeding $1,540.00.

Section 3. The Attorney General of the Commonwealth of Kentucky may investigate these claims against the Common-

wealth of Kentucky and the Department of Highways, or either of them, and settle said claims before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by said settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

Section 4. No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky and the Department of Highways, or either of them, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

H. Res. No. 29. A JOINT RESOLUTION providing for erection of a marker at the grave of Matthew Lyon, for the construction of a State Park around and about his burial place, and for the improvement of road by which said burial place is reached.

Said resolution is as follows, viz:

WHEREAS, Matthew Lyon (1750-1822) was a distinguished patriot, with a notable record of service as a Revolutionary War Soldier, as a member of Ethan Allen's famous military organization, Green Mountain Boys; and

WHEREAS, he was closely associated with a number of patriotic leaders in the early days of the Republic, and was connected by marriage with three prominent families of those days, his first wife having been a niece of the famed Ethan Allen, and his second wife a daughter of Thomas Chittenden, the first Governor of Vermont; and

WHEREAS, he was a leader in the struggle for the establishment and maintenance of democratic principles and practices, opposing monarchical customs and tendencies, and especially distinguished himself by his militant opposition to the

Alien and Sedition Laws, as a result of which he suffered imprisonment; and

WHEREAS, leaving prison a hero in the eyes of his fellow citizens of Vermont because of his able and valiant championship of the rights and liberties of the people, he became a member of the Lower House of Congress, where he served four years; and

WHEREAS, while a member of Congress he cast the deciding vote in the historic contest for the Presidency of the United States between Thomas Jefferson and Aaron Burr, resulting in the election of his friend and associate, Jefferson; and

WHEREAS, in the year 1799, his restless and pioneering spirit led him to seek out a new location in the unsettled area of Western Kentucky, and he, with a few fellow emigrants, founded the town of Eddyville; and

WHEREAS, he resided at Eddyville for nineteen years, operating ship-yards, iron mills, a paper mill, a girst mill, saw mills and a tannery, making the town of Eddyville a commercial center and one of the two or three most important points in Western Kentucky in the early 1800s, a position maintained for half a century; and

WHEREAS, he pioneered, in Vermont, in manufacturing paper from wood pulp, and has been recognized for his discovery or invention of this process and application of same as worthy of consileration along with Benjamin Franklin and Eli Whitney and other early American inventors; and

WHEREAS, while a resident of Kentucky, he served eight years as a member of the Lower House of Congress from his District; and

WHEREAS, upon being appointed by President James Monroe as Factor to the Cherokee Indian Nation in the Territory of Arkansas, he removed to that Territory and resided there until his death; and

WHEREAS, it has been written of him—

"Matthew Lyon died at Spadra Bluff on the 1st of August,

1822, lamented by the whole American people; a man of action and deeds which left their impress on his times; a patriot in every fibre, whose vote made a President; a pioneer along whose pathway Romance walked side by side with History; a hero whose memory is cherished in Kentucky and Vermont among the foremost and bravest of their sons"; and

WHEREAS, the remains of Matthew Lyon were re-interred at Eddyville eleven years after his death, as narrated by an associate as follows:

"The remains of Matthew Lyon were interred at Spadra Bluff, but in the year 1833 his son, Chittenden Lyon, and other members of Col. Lyon's family resolved to transfer the body to Kentucky, and re-inter it at Eddyville. This was accordingly done, and the ceremonies of the reburial drew together an immense assemblage of the friends of Matthew Lyon. A handsome monument was erected over the grave, with suitable inscriptions commemorative of the founder of Eddyville. Old men still living remember the impressive services, and speak of the bringing home of 'bell and burial' for the beloved founder, as the most solemn event in the history of the town"; and

WHEREAS, the remains of Matthew Lyon lie in Riverview Cemetery in Eddyville, by the side of those of his daughter, Lorraine Lyon, who was the first person to be buried in said cemetery, and also in close proximity to the graves of two of his sons, viz., Chittenden Lyon and Matthew Lyn, Jr., the former of whom served his District in the Lower House of Congress, and for whom the County of Lyon was named, and also to the graves of others of the old patriot's descendants, among them his grandson, Gen. Hylan B. Lyon:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That in tribute to the memory of Matthew Lyon, the State Historical Society is hereby authorized and directed to cause to be erected at his grave a suitable and appropriate marker, and to refurbish his grave and the stone now marking it and

also the graves and marking stones of his immediate family descendants; and that the Department of Conservation cause to be laid out around and about said graves a State Park; and that the State Department of Highways be, and it is hereby requested, to suitably and appropriately improve the road, about six-tenths of a mile in length, by which said cemetery is reached, so as to render access easy and convenient.

H. B. No. 186. AN ACT relating to warning devices on motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 189.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every motor vehicle and bicycle, when in use on a highway shall be equipped with a horn or other device capable of making an abrupt sound sufficiently loud to be heard under all ordinary traffic conditions. Every person operating an automobile or bicycle shall sound the horn or sound device whenever necessary as a warning of the approach of such vehicle to pedestrians, or other vehicles, but shall not sound the horn or sound device unnecessarily.

(2) No vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle or bell, except as permitted in this subsection or in subsection (3). Any commercial vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Any authorized emergency vehicle may be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the department, but the siren shall be used only when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which event the driver shall sound the siren when necessary to warn pedestrians and other drivers of the approach of the vehicle. A bell may be used on a bicycle.

(3) Any person who is a regular or voluntary member of a department furnishing fire protection for a political subdivision of the state and who obtains a written permission of the governing body of that political subdivision may equip his private automobile with a siren and flashing lights, and may use such equipment, in the manner prescribed in subsection (2), while proceeding to the scene of a fire in the performance of his official duties as a member of a fire department.

(4) No driver or operator of a vehicle equipped with a siren, whistle, bell, or flashing lights under the provisions of subsection (2) or (3) shall use such equipment for any purposes other than those authorized in those subsections.

H. B. No. 221. AN ACT relating to water districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 74.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commission may include all or any part of an incorporated city in any water district, provided the governing body of such city by resolution or ordinance gives its consent.

(2) Water districts may contract with any city for the purpose of furnishing water to the residents of the city or to obtain water for the use of the district.

H. B. No. 292. AN ACT relating to the fees of county clerks for duties in connection with tax bills.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 132.550 of the Kentucky Revised Statutes is amended to read as follows:

(1) After the county clerk has completed the services

required of him upon delivery of the tax rolls and schedules to him by the county tax commissioner, he shall then calculate the taxes due the state, county, school, county polls and school polls for each individual taxpayer, opposite their name in the tax rolls, upon the form prescribed by the Department of Revenue. The rolls and forms shall be a permanent record of the county clerk's office.

(2) For performing the services required by this section the county clerk shall be paid the sum of fifteen cents for each tax list on the tax rolls, one-half of this sum to be paid by the state, and the other one-half to be paid by the county.

Section 2. Section 133.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county clerk shall be allowed ten cents for each tax bill made out for the sheriff or collector under the provisions of KRS 133.220, and fifty cents for each tax bill made out in case of an omitted assessment. He shall not be paid any part of his compensation by the state where the taxpayer has no property subject to taxation for state purposes.

(2) The county clerk shall present his account to the county court, verified by his affidavit, together with his receipt from the sheriff for the tax bills and his receipt from the Department of Revenue for the recapitulation sheets. If found correct, the court shall allow the account, and order one-half of it paid out of the county levy and the other one-half out of the State Treasury. The county clerk shall certify the allowance to the Department of Finance, which shall draw a warrant on the State Treasurer in favor of the county clerk for the state's one-half.

H. B. No. 356. AN ACT relating to the practice of law and the State Bar Association, amending Section 30.170 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 30.170 of the Kentucky Revised Statutes is hereby amended to read as follows:

"(1) The Court of Appeals shall adopt and promulgate rules:

(a) Defining the practice of law;

(b) Prescribing a code of ethics governing the professional conduct of attorneys and the practice of law;

(c) Establishing practice and procedure for disciplining, suspending and disbarring attorneys;

(d) Organizing and governing a Bar Association of the attorneys of the state to act as an administrative agency of the Court of Appeals for the purpose of enforcing such rules as are adopted and promulgated by the court under this section; providing for the government of the State Bar as a part of the judicial department of the state government, and for such divisions thereof as the Court of Appeals determines; requiring all persons practicing law in this state to be members in good standing of the State Bar; and fixing the form of its organization and operation;

(e) Fixing fees not to exceed ten dollars per year to be paid for the purpose of administering this section and the rules adopted and promulgated under it, and for the collection and disbursement of such fees.

(2) The rules of court adopted and promulgated under this section shall supersede all laws or parts of laws in conflict therewith, to the extent of the conflict.

(3) No rule adopted and promulgated under this section shall prevent a person not holding himself out as a practicing attorney from writing a deed, mortgage or will, or prevent a person from drawing any instrument to which he is a party."

H. B. No. 408. AN ACT authorizing cities and counties to make and carry out contracts and agreements for the joint acquisition, ownership and use of a city-county governmental building.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 67.340 of the Kentucky Revised Statutes is amended to read as follows:

In any county of the Commonwealth of Kentucky in which there is located a city of the first, second or third class, such county and city are authorized to erect, purchase, lease, condemn or otherwise acquire, keep in repair and improve, own and use a joint city-county building. Said city-county building may be used for any governmental purpose in which either or both the said county and city are engaged.

Section 2. Subsection (2) of Section 67.370 of the Kentucky Revised Statutes is amended to read as follows:

KRS 67.330 to 67.360 shall be given a liberal construction in order to further the legislative purpose to grant a broad and flexible authority to counties and cities of the first, second and third classes to secure by their joint action the advantages in efficiency and economy of a city-county building.

H. B. No. 423. AN ACT relating to Livestock.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person who owns livestock in this state may, upon the payment of ten dollars ($10) to the Commissioner of Agriculture, Labor and Statistics, have recorded in a register which the Commissioner shall keep for that purpose, his own identifying brand. The Commissioner shall furnish to the owner a certificate, issued under seal, setting forth the name and address of the owner, the location of his farm or farms, and a specific description of the identifying brand assigned to such owner. When any such identifying brand has been recorded as the brand of any owner of livestock in this state, such brand shall not be recorded for use by any other owner. No other livestock owner shall be permitted to either register or to use such identification brand, or any other brand, or identification, that is so similar to the registered brand as to be confusing or misleading.

Section 2. Any owner of livestock in this state may select

any distinctive brand that has not been selected and registered by any other owner. Such brand may be of any design selected by the owner that is distinct and practicable for use as identification of the ownership of any animal or animals. Such brand may be a symbol or combination of symbols, letters or a combination of letters, or numbers or a combination of numbers, or a combination of some specific symbol, letters and numbers, or either such grouping. The Commissioner shall keep a record of such registered brands and upon request of any person interested shall supply such person with the name and address of the owner of each such registered brand.

Any livestock owner in Kentucky who files with the Commissioner a brand, as hereinabove authorized, may upon application to the Commissioner change said brand to some other distinct brand in the same manner as the original brand is filed and obtained and upon the payment to the Commissioner of the same fee.

When application is made to the Commissioner for the registration of a brand, the Commissioner shall cause such application to be carefully examined and the Commissioner shall determine (1) that the brand applied for is a practical brand; (2) that it is distinct and easily distinguished from any other registered brand; and (3) that the brand is not one that would unreasonably restrict the registration of other brands. The Commissioner shall prescribe and furnish to applicants appropriate forms for making application for the registry of such brands. Any such registered brand may be applied to the animal as indicated by the applicant in the application, provided that the method is approved by the Commissioner when the application for the brand is approved. The certificate of the Commissioner shall indicate the approval both of the brand and of the method of its application to the animal. Such application and brand may be either applied by chemicals or in any other humane manner approved by the Commissioner. Each application for such brand shall indicate what part of the anatomy of the animal will be branded and the manner and method in which such branding will be done.

Section 3. All fees paid under the provisions of this Act

shall be credited to a revolving fund and shall be used by the Commissioner to administer and enforce the provisions of this Act.

Section 4. Any person who knowingly and intentionally uses a registered brand on animals other than those owned by the registered owner of such brand, shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten nor more than one hundred dollars. Any person other than the owner of an animal who willfully and intentionally obliterates or destroys the owners' registered brand on an animal so that it cannot be identified, or so as to make identification difficult, shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than two hundred dollars and in addition thereto in the discretion of the jury may be confined in jail for not to exceed twelve months.

H. B. No. 439. AN ACT relating to income taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

If there is distributed to the shareholders of a corporation not in liquidation, at least 80% of the voting stock in a subsidiary corporation, no gain to the distributee from the receipts of such stock shall be recognized for income tax purposes unless it appears that the distribution had no business purposes, but was a device for the distribution of earnings of the distributing corporation to its shareholders.

H. B. No. 450. AN ACT concerning the conditions of disqualification for unemployment insurance benefits.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 341.360 of the Kentucky Revised Statutes is amended to read as follows:

No worker may serve a waiting period or be paid benefits for any week of unemployment with respect to which:

(1) A strike or other bona fide labor dispute which caused him to leave or lose his employment is in active progress in the establishment in which he is or was employed, except that waiting periods may be served and benefits may be paid unless the employer notifies the Division in writing within seven days after the beginning of such alleged strike or labor dispute of the alleged existence of such strike or labor dispute.

For the purpose of this subsection a lock-out shall not be deemed to be a strike or a bona fide labor dispute and no worker shall be denied credit for a waiting period or be denied benefits by reason of a lock-out, provided that this subsection shall not apply if it is shown that:

(a) He is not participating in, or financing, or directly interested in the labor dispute which caused the stoppage of work; and

(b) He does not belong to a grade or class of workers of which immediately before the commencement of the stoppage there were members employed at the premises at which the stoppage occurs, any of whom are participating in, or financing, or directly interested in the dispute; or

(2) He has received or is seeking unemployment compensation under an unemployment compensation law of another state or of the United States, except as otherwise provided by an arrangement between this state and such other state or the United States. But if the appropriate agency of such state or of the United States finally determines that he is not entitled to such unemployment compensation, this subsection shall not apply.

H. B. No. 461. AN ACT changing the classification of the City of Eminence, in Henry County.

Said bill is as follows, viz:

Whereas, satisfactory information has been presented to the General Assembly that the population of the City of Eminence, in Henry County, is such as to justify its being assigned to the fourth class of cities;

NOW THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the City of Eminence, in Henry County, is changed from the fifth class to the fourth class of cities.

Ordered that said bills and resolutions be printed and referred to the Committee on Rules.

Senator Stapleton moved that a committee of five persons be appointed to confer with the committee members in the House to determine whether or not there would be another meeting of the Rules Committee of the House after which first readings will be given Senate bills.

Said motion was agreed to.

Whereupon the President of the Senate appointed the following senators as members of said committee: Senators Stapleton, Bonn, Martin, Cox and Losey.

Senator Moloney moved that the Senate do now recess for thirty minutes.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, Senator Shaikun assumed the chair and presided over the Senate.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 377. AN ACT amending Section 417.040 of the Kentucky Revised Statutes.

Senator Moloney moved that consideration of said bill be deferred and that same retain its place in the Orders of the Day.

Said motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill of the following title, viz:

S. B. No. 268. AN ACT relating to man-made structures installed in streams.

Senator Lassiter moved that said bill be recommitted.

Said motion was agreed to.

Ordered that said bill be recommitted.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled as follows, viz:

H. B. No. 395. AN ACT relating to the excise tax on alcoholic beverages.

Senator Moloney moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken on the said bill in accordance with the provision of the Constitution were as follows, viz:

There voted in the affirmative—

John M. Williams —1

Those who voted in the negative were—

Augustus Cornett	Bert Kiser	Richard P. Moloney
Louis Cox	James R. Mansfield	Leon Shaikun
Alvin Kidwell	Earl F. Martin	—8

Thereupon said bill was lost.

INTRODUCTION OF RESOLUTIONS

Resolutions of the following titles were introduced, viz:

By Senator Moloney

S. RES. No. 39. A CONCURRENT RESOLUTION providing for sine die adjournment of the Regular Session of the General Assembly of 1952.

Said resolution is as follows, viz:

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That when the Senate and House of Representatives adjourn on March 21, 1952, they do adjourn sine die.

By Senator Moloney.

S. RES. No. 40. A JOINT RESOLUTION relating to the care and custody of property of the General Assembly.

Said resolution is as follows, viz:
SENATE RESOLUTION NO. 40.

A JOINT RESOLUTION relating to the care and custody of property of the General Assembly.

Whereas, heretofore between sessions of the General Assembly, no one has been directly responsible for the care and custody of the furniture, equipment, materials and supplies belonging to the General Assembly with the result that certain furniture, equipment, materials and supplies, especially that usually left in the Clerks' offices and the committee rooms at the conclusion of a session has not been located for use at the next succeeding session; and

Whereas, following a session of the General Assembly there are received many requests for copies of legislation proposed during the session and, in order to comply with such request, it is necessary that the printed copies of bills remaining at the close of a session be preserved and available from one rsponsible source;

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That, upon the close of each session of the General Assembly, the Clerk of the Senate and the Clerk of the House of Representatives shall prepare a written inventory of all furniture, equipment, materials and supplies remaining in his possession as Clerk and, upon the Director of the Legislative Research Commission signing such inventory as a receipt, shall turn over to the Director possession of the subject matter of the inventory. In addition, all remaining printed copies of bills shall be turned over to the Director.

Section 2. That the Director of the Legislative Research Commission shall be charged with the care and custody of all furniture, equipment, materials and supplies turned over to him by the respective Clerks until such time as he releases the same to the Clerks for use during a forthcoming session of the General Assembly.

Section 3. That, in order to carry out the obligations imposed upon him by this Resolution, the Director of the Legislative Research Commission is authorized to request the State Property and Buildings Commission, and that agency is directed to cooperate fully with the Director, to furnish sufficient space on the third floor of the Capitol to safely store the furniture, equipment, materials and supplies in his care and custody.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 263. AN ACT relating to the sale or offering for sale of soap, disinfectant, detergent, liquid wax, floor cleaner, toilet bowl cleaner, scouring powder or other sanitary chemicals.

Senator Kiser moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Martin J. Duffy	Homer E. Losey	Paul Stapleton
Ernest M. Ford	James R. Mansfield	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	C. W. A. McCann	Sylvester Wagner
James P. Hanratty	Richard P. Moloney	Ed P. Warinner
Doug Hays	O. W. Montgomery	John M. Williams
Thomas Hines	Jack R. Reynolds	E. V. Withers
Stanley Hoffman	Freeman Robinson	—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator McCann moved that said S. B. No. 263 be placed on the Clerk's desk.

Said motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a resolution entitled, viz:

S. RES. No. 38. A RESOLUTION advocating a commendation for exceptionally meritorious services rendered to the Commonwealth of Kentucky both by the Agricultural and Industrial Development Board and the Governor's Small Business Commission.

Senator Stapleton moved the adoption of said resolution.

Said motion was agreed to.

Thereupon said resolution was adopted.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a resolution entitled, viz:

S. RES. No. 40. A JOINT RESOLUTION relating to the care and custody of property of the General Assembly.

Senator Moloney moved the adoption of said resolution.

Said motion was agreed to.

Thereupon said resolution was adopted.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 394. AN ACT changing the classification of the City of Highland Heights, in Campbell County.

Senator Stapleton moved that consideration of said bill be deferred and that same retain its place in the Orders of the Day.

Said motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a resolution entitled, viz:

S. RES. No. 39. A CONCURRENT RESOLUTION providing for sine die adjournment of the Regular Session of the General Assembly of 1952.

Senator Moloney moved the adoption of said resolution.

Said motion was agreed to.

Thereupon said resolution was adopted.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 247. AN ACT relating to officers who shall not practice law.

Senator Shackleford moved that consideration of said bill be deferred and that same retain its place in the Orders of the Day.

Said motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 132. AN ACT relating to survival of actions, amending section 411.140 of the Kentucky Revised Statutes.

Senator Reynolds moved that consideration of said bill be deferred and that same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 189. AN ACT authorizing cities of the second class to provide sewer services to common schools located outside of its boundaries.

Senator Melton moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken on said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the negative were—

Alvin Kidwell	Strother Melton	Leon Shaikun
James R. Mansfield	Richard P. Moloney	John M. Williams
O. W. Montgomery	Freeman Robinson	—8

Whereupon said bill was rejected.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 267. AN ACT relating to motion picture film censorship.

Senator McCann moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas nad nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Earl F. Martin	Cortis K. Stacy
James P. Hanratty	C. W. A. McCann	Paul Stapleton
Thomas Hines	Richard P. Moloney	Wendell Van Hoose
Alvin Kidwell	Jack R. Reynolds	Ed P. Warinner
Bert Kiser	William J. Sample	E. V. Withers
James Lassiter	Clay Shackleford	—17

Those who voted in the negative were—

O. W. Montgomery	Leon Shaikun	Sylvester Wagner

—3

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF THE COMMITTEE ON RULES

Honorable Emerson Beauchamp, Chairman of the Committee on Rules, to which same had been referred previously, reported bills of the following titles, viz:

H. B. No. 186. AN ACT relating to warning devices on motor vehicles.

H. B. No. 221. AN ACT relating to water districts.

H. B. No. 423. AN ACT relating to Livestock.

H. B. No. 439. AN ACT relating to income taxes.

H. B. No. 292. AN ACT relating to the fees of county clerks for duties in connection with tax bills.

H. B. No. 356. AN ACT relating to the practice of law and the State Bar Association, amending Section 30.170 of the Kentucky Revised Statutes.

H. B. No. 461. AN ACT changing the classification of the City of Eminence, in Henry County.

With the expression of opinion that said bills should pass.

Whereupon said bills were read at length for the first time and

Ordered placed in the Calendar.

ORDERS OF THE DAY

Senator Moloney moved that the Senate reconsider the vote by which it rejected H. B. No. 395, and that said bill be reconsidered by the Senate.

Said motion was agreed to by a majority of the members elected.

Thereupon such reconsideration.

Senator Moloney moved that the vote by which said bill was rejected be reconsidered.

Said motion was agreed to by a majority of the members elected.

Thereupon such reconsideration.

Senator Moloney moved that the vote by which the previous question was adopted be reconsidered.

Said motion was agreed to.

Said bill is entitled as follows:

H. B. No. 395. AN ACT relating to the excise tax on alcoholic beverages.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	Clay Shackleford
Bernard J. Bonn	Bert Kiser	Leon Shaikun
Eugene H. Clark	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Ernest M. Ford	Earl F. Martin	Otis C. Thomas
Wayne Freeman	Strother Melton	Wendell Van Hoose
James P. Hanratty	Richard P. Moloney	Sylvester Wagner
Doug Hays	O. W. Montgomery	Ed P. Warinner
W. Thomas Hines	Jack R. Reynolds	John M. Williams
Dr. J. E. Johnson	William J. Sample	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the rules committee the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 394. AN ACT changing the classification of the City of Highland Heights, in Campbell County.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provison of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Leon Shaikun
Martin J. Duffy	James Lassiter	Cortis K. Stacy
Ernest M. Ford	Homer E. Losey	Paul Stapleton
Wayne Freeman	James R. Mansfield	Otis C. Thomas
Julian Golden	Earl F. Martin	Wendell Van Hoose
James P. Hanratty	C. W. A. McCann	Sylvester Wagner
Doug Hays	Strother Melton	Ed P. Warinner
Thomas Hines	Jack R. Reynolds	John M. Williams
Stanley Hoffman	Freeman Robinson	E. V. Withers
Dr. J. E. Johnson	William J. Sample	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 247. AN ACT relating to officers who shall not practice law.

Senator Shackleford moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provison of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Thomas Hines	Freeman Robinson
Bernard J. Bonn	Stanley Hoffman	William J. Sample
Eugene H. Clark	Dr. J. E. Johnson	Clay Shackleford
Louis Cox	Alvin Kidwell	Cortis K. Stacy
Archie Craft	Bert Kiser	Paul Stapleton
Martin J. Duffy	James Lassiter	Wendell Van Hoose
Ernest M. Ford	James R. Mansfield	Sylvester Wagner
Wayne Freeman	Earl F. Martin	John M. Williams
Julian Golden	C. W. A. McCann	E. V. Withers
James P. Hanratty	Strother Melton	
Doug Hays	Jack R. Reynolds	—31

There voted in the negative—

Leon Shaikun —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 132. AN ACT relating to survival of actions, amending section 411.140 of the Kentucky Revised Statutes.

Senator Stapleton moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provison of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Clay Shackleford
Bernard J. Bonn	Dr. J. E. Johnson	Cortis K. Stacy
Eugene H. Clark	Alvin Kidwell	Paul Stapleton
Augustus Cornett	Bert Kiser	Otis C. Thomas
Martin J. Duffy	James Lassiter	Wendell Van Hoose
Ernest M. Ford	James R. Mansfield	Sylvester Wagner
Wayne Freeman	C. W. A. McCann	Ed P. Warinner
Julian Golden	Strother Melton	John M. Williams
James P. Hanratty	Richard P. Moloney	E. V. Withers
Doug Hays	Jack R. Reynolds	
Thomas Hines	William J. Sample	—31

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Kidwell moved that the Senate reconsider the vote

by which it rejected H. B. No. 189 and that said bill be reconsidered by the Senate.

Said motion was agreed to by a majority of the members elected.

Thereupon such reconsideration.

Senator Kidwell moved that the vote by which said bill was rejected be reconsidered.

Said motion was agreed to by a majority of the members elected.

Thereupon such reconsideration.

Senator Moloney moved that the vote by which the previous question was adopted be reconsidered.

Said motion was agreed to.

Said bill is entitled as follows:

H. B. No. 189. AN ACT authorizing cities of the second class to provide sewer services to common schools located outside of its boundaries.

Senator Kidwell moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Kidwell moved that the Constitutional provision as to the third reading of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill,

in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	Clay Shackleford
Bernard J. Bonn	Alvin Kidwell	Leon Shaikun
Eugene H. Clark	Bert Kiser	Cortis K. Stacy
Louis Cox	James Lassiter	Paul Stapleton
Martin J. Duffy	Homer E. Losey	Otis C. Thomas
Ernest M. Ford	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Earl F. Martin	Ed P. Warinner
Julian Golden	C. W. A. McCann	John M. Williams
Doug Hays	Strother Melton	E. V. Withers
W. Thomas Hines	Richard P. Moloney	
Stanley Hoffman	William J. Sample	—31

Resolved that the title thereof be as aforesaid.

Senator Kidwell moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 139. AN ACT concerning stockyards.

With the following amendments, viz:

Amendment No. 1 to House Bill No. 139

Page 1—Section 1(c)—Line 8

By striking the word "consentration" and substituting in lieu thereof the word "concentration"

Amendment No. 2 to House Bill No. 139

Page 2—Section 3—Line 1

By striking the word "commissioner" and substituting in lieu thereof "State Board of Agriculture"

Amendment No. 3 to House Bill No. 139

Section 3—Lines 3 and 4

By striking therefrom the sentence begining on line 3 and substituting therefor the following:

"Their duties shall be prescribed by the commissioner and they shall be paid such compensation as may be fixed pursuant to the provisions of KRS 64.640."

Amendment No. 4 to House Bill No. 139

Page 3—Section 7(1)—Line 2

By striking one zero from the figure immediately preceding the word "plus"

Amendment No. 5 to House Bill No. 139

Page 5—Section 14(1)

By striking subsection (1), lines 1 through 6, of section 14

Amendment No. 6 to House Bill No. 139

Page 5—Section 14, subsection (2)—Lines 11 and 12

By striking said line 11 and 12 and inserting in lieu thereof the following:

"of not less than one hundred dollars for the first offense and by a fine of not less than five hundred dollars or imprisonment for not more than six months, or both, for any subsequent offense."

Amendment No. 7 to House Bill No. 139

Page 2—Section 4

By striking Section 4 in its entirety

Senator Kidwell moved adoption of Committee Amendment No. 1.

Said motion was agreed to.

Thereupon, said Committee Amendment was adopted.

Senator Kidwell moved adoption of Committee Amendment No. 2.

Said motion was agreed to.

Thereupon, said Committee Amendment was adopted.

Senator Kidwell moved adoption of Committee Amendment No. 3.

Said motion was agreed to.

Thereupon, said Committee Amendment was adopted.

Senator Kidwell moved adoption of Committee Amendment No. 4.

Said motion was agreed to.

Thereupon, said Committee Amendment was adopted.

Senator Stapleton moved adoption of Committee Amendment No. 5.

Said motion was agreed to.

Thereupon, said Committee Amendment was adopted.

Senator Kidwell moved adoption of Committee Amendment No. 6.

Said motion was agreed to.

Thereupon, said Committee Amendment was adopted.

Senator Kidwell moved adoption of Committee Amendment No. 7.

Said motion was agreed to.

Thereupon, said Committee Amendment was adopted.

Senator Kidwell moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken on said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Louis Cox	James Lassiter	Jack R. Reynolds
Ernest M. Ford	James R. Mansfield	Clay Shackleford
James P. Hanratty	Earl F. Martin	Paul Stapleton
Stanley Hoffman	Strother Melton	John M. Williams
Alvin Kidwell	O. W. Montgomery	E. V. Withers

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Those who voted in the negative were—

Eugene H. Clark	Bert Kiser	Otis C. Thomas
Martin J. Duffy	Homer E. Losey	Wendell Van Hoose
Wayne Freeman	William J. Sample	Ed P. Warinner
Julian Golden	Cortis K. Stacy	

—11

Thereupon said bill was rejected.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 8. AN ACT relating to schools.

Senator Cox moved the adoption of Committee Amendment No. 1, which is as follows:

Committee Amendment No.1 To House Bill No. 8

By striking from page 2, line 20 of the printed bill the last paragraph beginning with the word "The" on line 20, and ending with the word "above" on line 23.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, as amended, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, as amended, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, as amended, having been dispensed with, said bill, as amended, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, as amended, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	Freeman Robinson
Eugene H. Clark	Alvin Kidwell	William J. Sample
Louis Cox	James Lassiter	Clay Shackleford
Ernest M. Ford	Homer E. Losey	Cortis K. Stacy
Wayne Freeman	James R. Mansfield	Otis C. Thomas
James P. Hanratty	Earl F. Martin	Wendell Van Hoose
Doug Hays	Strother Melton	Sylvester Wagner
W. Thomas Hines	Richard P. Moloney	Ed P. Warinner
Stanley Hoffman	Jack R. Reynolds	John M. Williams

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There voted in the negative—

O. W. Montgomery —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, as

amended, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed a bill which originated in that body of the following title, viz:

H. B. No. 319. AN ACT relating to qualifications of school board members.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 160.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall be eligible to membership on a board of education:

(a) Unless he has attained the age of twenty-four years; and

(b) Unless he has been a citizen of Kentucky for at least three years preceding his election and is a voter of the district for which he is elected; and

(c) If an independent board of education, unless he has completed at least the eighth grade in the common schools, or if a county board of education, unless he has completed at least the twelfth grade in the common schools. Such qualification may be proven by the records of the school in which the last required grade was completed or by affidavits of the teacher or teachers under whom the work was completed. Possession of the equivalent of an eighth or twelfth grade education as determined by an examination held under rules and regulations adopted by the State Board of Education shall be acceptable in lieu of the formal education.

(d) Who holds or discharges the duties of any civil or

political office, deputyship or agency under the city or county of his residence; or

(e) Who, at the time of his election, is directly or indirectly interested in the sale to the board of books, stationery or any other property, materials, supplies, equipment or services for which school funds are expended; or

(f) Who has been removed from membership on a board of education for cause.

Ordered that said bill be printed and referred.

A message which was received from the House of Representatives further announced that they had passed bills which originated in the Senate of the following titles, viz:

S. B. No. 155. AN ACT to amend and re-enact section 91.140 Kentucky Revised Statutes relating to election of officers and the appointment of employees of Sinking Funds of Cities of the first class and prescribing the powers and duties of such officers and employes.

S. B. No. 233. AN ACT relating to the letting of work by the Commissioners of Water Districts, amending Kentucky Revised Statutes 74.260.

S. B. No. 149. AN ACT relating to the establishment, operation and maintenance of public parks in and by any county in the Commonwealth of Kentucky.

S. B. No. 258. AN ACT to amend Section 64.640 of the Kentucky Revised Statutes relating to fees and compensation of public officers and employes.

S. B. No. 251. AN ACT relating to persons convicted of a crime while serving sentences in the State Penal Institutions.

S. B. No. 111. AN ACT relating to the sale of boats and motor vehicles for the purpose of recovering charges and deferred purchase money due thereon, amending section 376.280 of the Kentucky Revised Statutes.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample of the Committee on Enrollment reported that said committee had examined and found to be correctly enrolled bills and resolutions of the following title, viz:

H. B. No. 65. AN ACT concerning clerks and treasurers of cities of the first class.

H. B. No. 64. AN ACT relating to disclosure of sources of information published by newspapers, radio and television stations amending section 421.100 of the Kentucky Revised Statutes.

H. B. No. 55. AN ACT concerning pay of jurors.

H. Res. No. 28. A JOINT RESOLUTION authorizing Polly Darnell, administratrix of the Estate of Jessie Myers Darnell, deceased, to sue the Commonwealth of Kentucky.

H. B. No. 123. AN ACT relating to bail.

H. B. No. 76. AN ACT relating to the compensation of county tax commissioners.

H. B. No. 125. AN ACT relating to common schools with particular reference to entrance age requirement.

H. B. No. 187. AN ACT concerning assets of the Kentucky Rural Rehabilitation Corporation.

H. B. No. 206. AN ACT relating to support of dependents.

H. B. No. 222. AN ACT relating to Alimony and Divorce actions, amending and re-enacting section 423 of Carroll's Code of Civil Practice.

H. B. No. 268. AN ACT relating to compensation of jurors.

H. B. No. 307. AN ACT relating to persons performing services in connection with the taking, recording and transcribing of evidence or judicial proceedings in counties having a population of 150,000 or more, including but not limited to provisions concerning the compensation and fees of such persons, and amending and re-enacting KRS 28.440.

H. B. No. 308. AN ACT changing the classification of the City of Shively, in Jefferson County, Kentucky.

H. B. No. 333. AN ACT relating to public welfare in cities of the first class.

H. B. No. 431. AN ACT relating to fiscal courts.

Thereupon, all other business was suspended, said bills and resolutions were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate affixed his signature thereto.

Ordered that the Chief Clerk of the Senate deliver the original and enrolled copies of said bills and resolutions to the Enrolling Clerk of the House.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 377. AN ACT amending Section 417.040 of the Kentucky Revised Statutes.

Senator Stapleton moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Strother Melton	Cortis K. Stacy
Louis Cox	Richard P. Moloney	Paul Stapleton
Ernest M. Ford	Jack R. Reynolds	Wendell Van Hoose
Wayne Freeman	Freeman Robinson	Sylvester Wagner
Homer E. Losey	William J. Sample	John M. Williams
C. W. A. McCann	Leon Shaikun	—17

Those who voted in the negative were—

Martin J. Duffy	Doug Hays	Clay Shackleford
Julian Golden	Alvin Kidwell	E. V. Withers

—6

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the Senate do now adjourn until 1 P.M., Thursday, March 20, 1952.

Said motion was agreed to.

And then the Senate adjourned.

THURSDAY, MARCH 20, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by Monsignor Joseph A. O'Dwyer, of the Church of the Good Shepherd, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Dr. J. E. Johnson	Leon Shaikun
Bernard J. Bonn	Alvin Kidwell	Cortis K. Stacy
Eugene H. Clark	Bert Kiser	Paul Stapleton
Louis Cox	James Lassiter	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	C. W. A. McCann	Ed P. Warinner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
W. Thomas Hines	Freeman Robinson	
Stanley Hoffman	Clay Shackleford	—31

The following Senators were absent—

Augustus Cornett	Homer E. Losey	William J. Sample
Archie Craft	Strother Melton	
Julian Golden	Jack R. Reynolds	—7

Senator Ford moved that the reading of the Journal of the Senate of the proceedings for Wednesday, March 19, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 356. AN ACT relating to the practice of law and the State Bar Association, amending Section 30.170 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 186. AN ACT relating to warning devices on motor vehicles.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 221. AN ACT relating to water districts.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 292. AN ACT relating to the fees of County Clerks for duties in connection with tax bills.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 423. AN ACT relating to livestock.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 439. AN ACT relating to income taxes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 461. AN ACT changing the classification of the City of Eminence, in Henry County.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 30. A RESOLUTION authorizing Blanche Kibbey to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as

to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 41. AN ACT concerning zoning and planning in cities of the first class and in counties containing such cities.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 136. AN ACT relating to the equipment of rail track motor cars.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. RES. No. 31. A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Nancy Combs of Vicco, Kentucky, committee for John Combs.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. RES. No. 32. A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Eli Campbell, of Cornettsville, Kentucky, committee for Ivan Campbell.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second

reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 318. AN ACT relating to the reporting of contributions and expenditures in connection with elections.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. RES. No. 38. A JOINT RESOLUTION authorizing Oscar Crawford, of Hardin County, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 28. AN ACT relating to game and fish.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. RES. No. 7. A JOINT RESOLUTION providing for an investigation, study and survey by the Constitution Review Commission regarding the term, session, and compensation of members of the General Assembly.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 6. AN ACT to repeal, amend and re-enact sec-

tion 95.768 Kentucky Revised Statutes, 1946 Edition, providing for the establishment of a police and firemen's pension fund in cities of the fourth class and for the source, custody, investment and disbursement of said fund.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Contitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 10. A JOINT RESOLUTION authorizing Coburn Bach, as the father and next friend of Jimmy Bach, an infant, to sue the Department of Military Affairs and the Commonwealth of Kentucky, or either.

Senator Moloney moved the adoption of Committee Amendment No. 1, which is as follows, viz:

AMENDMENT NO. 1 to House Resolution No. 10.

By deleting Section 2 in its entirety, and placing in lieu thereof the following:

"Section 2. The suit shall be for a sum not in excess of ten thousand dollars."

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution, as amended be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution, as amended, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution, as amended, having been dispensed with, said resolution, as amended, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution, as amended, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Richard P. Moloney
Bernard J. Bonn	W. Thomas Hines	Freeman Robinson
Eugene H. Clark	Stanley Hoffman	William J. Sample
Augustus Cornett	Alvin Kidwell	Clay Shackleford
Louis Cox	Bert Kiser	Leon Shaikun
Archie Craft	James Lassiter	Cortis K. Stacy
Martin J. Duffy	Homer E. Losey	Otis C. Thomas
Ernest M. Ford	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Earl F. Martin	Ed P. Warinner
Julian Golden	C. W. A. McCann	John M. Williams
James P. Hanratty	Strother Melton	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution, as amended, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then

took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 11. A JOINT RESOLUTION authorizing Curt McCarty, as the next friend of H. K. McCarty, an infant, to sue the Commonwealth of Kentucky and the Department of Military Affairs, or either.

Senator Moloney moved the adoption of Committee Amendment No. 1, which is as follows, viz:
Committee Amendment No. 1 to House Resolution No. 11

By deleting Section 2 thereof in its entirety and placing in lieu thereof the following:

"Section 2. The suit shall be for a sum not in excess of ten thousand dollars."

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution, as amended, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution, as amended, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution, as amended, having been dispensed with, said resolution, as amended, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said reso-

lution, as amended, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Freeman Robinson
Bernard J. Bonn	W. Thomas Hines	William J. Sample
Eugene H. Clark	Stanley Hoffman	Clay Shackleford
Augustus Cornett	Alvin Kidwell	Leon Shaikun
Louis Cox	Bert Kiser	Cortis K. Stacy
Archie Craft	James Lassiter	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	C. W. A. McCann	John M. Williams
Julian Golden	Strother Melton	E. V. Withers
James P. Hanratty	Richard P. Moloney	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution, as amended, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 19. A JOINT RESOLUTION authorizing Harry Bowman to file suit against the Commonwealth of Kentucky, the State Department of Welfare, State Division of Hospitals and Mental Hygiene, and Central State Hospital, or any one or more of them.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as

to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Freeman Robinson
Bernard J. Bonn	W. Thomas Hines	William J. Sample
Eugene H. Clark	Stanley Hoffman	Clay Shackleford
Augustus Cornett	Alvin Kidwell	Leon Shaikun
Louis Cox	Bert Kiser	Cortis K. Stacy
Archie Craft	James Lassiter	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	C. W. A. McCann	John M. Williams
Julian Golden	Strother Melton	E. V. Withers
James P. Hanratty	Richard P. Moloney	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 22. A JOINT RESOLUTION authorizing Mrs. Catherine Berghaus to sue the Commonwealth of Kentucky for damages resulting from the death of her son.

Senator Moloney moved the Previous Question,

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Freeman Robinson
Bernard J. Bonn	W. Thomas Hines	William J. Sample
Eugene H. Clark	Stanley Hoffman	Clay Shackleford
Augustus Cornett	Alvin Kidwell	Leon Shaikun
Louis Cox	Bert Kiser	Cortis K. Stacy
Archie Craft	James Lassiter	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	C. W. A. McCann	John M. Williams
Julian Golden	Strother Melton	E. V. Withers
James P. Hanratty	Richard P. Moloney	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 24. A JOINT RESOLUTION authorizing Alvin Adkins of Paintsville, Kentucky, to sue the Commonwealth of Kentucky.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Julian Golden	Earl F. Martin
Bernard J. Bonn	James P. Hanratty	C. W. A. McCann
Eugene H. Clark	Doug Hays	Strother Melton
Augustus Cornett	W. Thomas Hines	Richard P. Moloney
Louis Cox	Stanley Hoffman	Freeman Robinson
Archie Craft	Alvin Kidwell	William J. Sample
Martin J. Duffy	Bert Kiser	Clay Shackleford
Ernest M. Ford	James Lassiter	Leon Shaikun
Wayne Freeman	James R. Mansfield	Cortis K. Stacy

Otis C. Thomas Ed P. Warinner E. V. Withers
Wendell Van Hoose John M. Williams —32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 27. A JOINT RESOLUTION providing for an investigation, study, and survey by the Constitution Review Commission regarding prosecution in criminal cases on information rather than indictment when the grand jury is not in session.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Freeman Robinson
Bernard J. Bonn	W. Thomas Hines	William J. Sample
Eugene H. Clark	Stanley Hoffman	Clay Shackleford
Augustus Cornett	Alvin Kidwell	Leon Shaikun
Louis Cox	Bert Kiser	Cortis K. Stacy
Archie Craft	James Lassiter	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	C. W. A. McCann	John M. Williams
Julian Golden	Strother Melton	E. V. Withers
James P. Hanratty	Richard P. Moloney	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 36. A RESOLUTION relating to certain funds now held by the State Board of Health.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Freeman Robinson
Bernard J. Bonn	W. Thomas Hines	William J. Sample
Eugene H. Clark	Stanley Hoffman	Clay Shackleford
Augustus Cornett	Alvin Kidwell	Leon Shaikun
Louis Cox	Bert Kiser	Cortis K. Stacy
Archie Craft	James Lassiter	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	C. W. A. McCann	John M. Williams
Julian Golden	Strother Melton	E. V. Withers
James P. Hanratty	Richard P. Moloney	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 46. A JOINT RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission regarding the establishment of a state-supported medical school at the University of Kentucky.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Freeman Robinson
Bernard J. Bonn	W. Thomas Hines	William J. Sample
Eugene H. Clark	Stanley Hoffman	Clay Shackleford
Augustus Cornett	Alvin Kidwell	Leon Shaikun
Louis Cox	Bert Kiser	Cortis K. Stacy
Archie Craft	James Lassiter	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	C. W. A. McCann	John M. Williams
Julian Golden	Strother Melton	E. V. Withers
James P. Hanratty	Richard P. Moloney	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 47. A JOINT RESOLUTION concerning the official name designation of the State park located within the Pennyrile Forest area located in northern Christian County near Dawson Springs.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Freeman Robinson
Bernard J. Bonn	W. Thomas Hines	William J. Sample
Eugene H. Clark	Stanley Hoffman	Clay Shackleford
Augustus Cornett	Alvin Kidwell	Leon Shaikun
Louis Cox	Bert Kiser	Cortis K. Stacy
Archie Craft	James Lassiter	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	C. W. A. McCann	John M. Williams
Julian Golden	Strother Melton	E. V. Withers
James P. Hanratty	Richard P. Moloney	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 48. A JOINT RESOLUTION providing for the payment of pauper idiot claims.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Martin J. Duffy	W. Thomas Hines
Bernard J. Bonn	Ernest M. Ford	Stanley Hoffman
Eugene H. Clark	Wayne Freeman	Alvin Kidwell
Augustus Cornett	Julian Golden	Bert Kiser
Louis Cox	James P. Hanratty	James Lassiter
Archie Craft	Doug Hays	James R. Mansfield

Earl F. Martin	William J. Sample	Wendell Van Hoose
C. W. A. McCann	Clay Shackleford	John M. Williams
Strother Melton	Leon Shaikun	E. V. Withers
Richard P. Moloney	Cortis K. Stacy	
Freeman Robinson	Otis C. Thomas	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 55. A JOINT RESOLUTION authorizing the Fiscal Court of Calloway County to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Freeman Robinson
Bernard J. Bonn	W. Thomas Hines	William J. Sample
Eugene H. Clark	Stanley Hoffman	Clay Shackleford
Augustus Cornett	Alvin Kidwell	Leon Shaikun
Louis Cox	Bert Kiser	Cortis K. Stacy
Archie Craft	James Lassiter	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	C. W. A. McCann	John M. Williams
Julian Golden	Strother Melton	E. V. Withers
James P. Hanratty	Richard P. Moloney	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 60. A JOINT RESOLUTION authorizing the payment of a claim of Dr. W. E. Wyman of LaGrange, Kentucky.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Freeman Robinson
Bernard J. Bonn	W. Thomas Hines	William J. Sample
Eugene H. Clark	Stanley Hoffman	Clay Shackleford
Augustus Cornett	Alvin Kidwell	Leon Shaikun
Louis Cox	Bert Kiser	Cortis K. Stacy
Archie Craft	James Lassiter	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	C. W. A. McCann	John M. Williams
Julian Golden	Strother Melton	E. V. Withers
James P. Hanratty	Richard P. Moloney	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 61. A JOINT RESOLUTION authorizing and directing payment of a claim of the Lexington Water Company of Lexington, Kentucky.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Freeman Robinson
Bernard J. Bonn	W. Thomas Hines	William J. Sample
Eugene H. Clark	Stanley Hoffman	Clay Shackleford
Augustus Cornett	Alvin Kidwell	Leon Shaikun
Louis Cox	Bert Kiser	Cortis K. Stacy
Archie Craft	James Lassiter	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	C. W. A. McCann	John M. Williams
Julian Golden	Strother Melton	E. V. Withers
James P. Hanratty	Richard P. Moloney	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 62. A JOINT RESOLUTION recommending

the procurement of an automatic roll-call system for use in the House of Representatives of the General Assembly.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Freeman Robinson
Bernard J. Bonn	W. Thomas Hines	William J. Sample
Eugene H. Clark	Stanley Hoffman	Clay Shackleford
Augustus Cornett	Alvin Kidwell	Leon Shaikun
Louis Cox	Bert Kiser	Cortis K. Stacy
Archie Craft	James Lassiter	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	C. W. A. McCann	John M. Williams
Julian Golden	Strother Melton	E. V. Withers
James P. Hanratty	Richard P. Moloney	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolu-

tion was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 63. A JOINT RESOLUTION authorizing payment of a claim against the Department of Highways and the Commonwealth of Kentucky.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Martin J. Duffy	W. Thomas Hines
Bernard J. Bonn	Ernest M. Ford	Stanley Hoffman
Eugene H. Clark	Wayne Freeman	Alvin Kidwell
Augustus Cornett	Julian Golden	Bert Kiser
Louis Cox	James P. Hanratty	James Lassiter
Archie Craft	Doug Hays	James R. Mansfield

Earl F. Martin	William J. Sample	Wendell Van Hoose
C. W. A. McCann	Clay Shackleford	Ed P. Warinner
Strother Melton	Leon Shaikun	John M. Williams
Richard P. Moloney	Cortis K. Stacy	E. V. Withers
Freeman Robinson	Otis C. Thomas	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 65. A RESOLUTION relating to the Murray State College Basketball Team.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Freeman Robinson
Bernard J. Bonn	W. Thomas Hines	William J. Sample
Eugene H. Clark	Stanley Hoffman	Clay Shackleford
Augustus Cornett	Alvin Kidwell	Leon Shaikun
Louis Cox	Bert Kiser	Cortis K. Stacy
Archie Craft	James Lassiter	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	C. W. A. McCann	John M. Williams
Julian Golden	Strother Melton	E. V. Withers
James P. Hanratty	Richard P. Moloney	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 350. AN ACT relating to motor transportation and motor vehicles.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	William J. Sample
Bernard J. Bonn	Dr. J. E. Johnson	Clay Shackleford
Eugene H. Clark	Alvin Kidwell	Leon Shaikun
Augustus Cornett	Bert Kiser	Cortis K. Stacy
Louis Cox	James Lassiter	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Otis C. Thomas
Ernest M. Ford	C. W. A. McCann	Wendell Van Hoose
Wayne Freeman	Strother Melton	Sylvester Wagner
James P. Hanratty	Richard P. Moloney	Ed P. Warinner
Doug Hays	O. W. Montgomery	John M. Williams
W. Thomas Hines	Freeman Robinson	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 446. AN ACT relating to teachers.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	W. Thomas Hines	Richard P. Moloney
Bernard J. Bonn	Stanley Hoffman	Freeman Robinson
Eugene H. Clark	Dr. J. E. Johnson	Leon Shaikun
Augustus Cornett	Alvin Kidwell	Cortis K. Stacy
Louis Cox	Bert Kiser	Paul Stapleton
Archie Craft	James Lassiter	Wendell Van Hoose
Martin J. Duffy	James R. Mansfield	Sylvester Wagner
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	C. W. A. McCann	John M. Williams
Doug Hays	Strother Melton	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 451. AN ACT concerning the elimination of grade crossings in cities of the first class and the issuance of bonds to provide for the payment of the cities' share of the expense thereof and amending Section 93.330 Kentucky Revised Statutes.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	Clay Shackleford
Bernard J. Bonn	Alvin Kidwell	Leon Shaikun
Eugene H. Clark	Bert Kiser	Cortis K. Stacy
Martin J. Duffy	James Lassiter	Paul Stapleton
Ernest M. Ford	James R. Mansfield	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	C. W. A. McCann	Sylvester Wagner
James P. Hanratty	Strother Melton	Ed P. Warinner
Doug Hays	Richard P. Moloney	John M. Williams
W. Thomas Hines	Freeman Robinson	E. V. Withers
Stanley Hoffman	William J. Sample	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 452. AN ACT concerning the definition, appor-

tionment, payment and records of costs of grade crossing elimination projects in cities of the first class.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	Clay Shackleford
Bernard J. Bonn	Alvin Kidwell	Leon Shaikun
Eugene H. Clark	Bert Kiser	Cortis K. Stacy
Martin J. Duffy	James Lassiter	Paul Stapleton
Ernest M. Ford	James R. Mansfield	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	C. W. A. McCann	Sylvester Wagner
James P. Hanratty	Strother Melton	Ed P. Warinner
Doug Hays	Richard P. Moloney	John M. Williams
W. Thomas Hines	Freeman Robinson	E. V. Withers
Stanley Hoffman	William J. Sample	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

S. B. No. 166. AN ACT relating to city-county boards of health established by KRS 212.350; and providing for the recovery by such boards of fees and charges for treatment, care and services rendered by institutions operated and maintained by such boards to patients able to pay therefor, and creating subrogation rights in such boards against persons liable to such patients.

S. B. No. 194. AN ACT relating to alcoholic beverage licenses.

S. B. No. 222. AN ACT relating to the investment of state funds and moneys; amending KRS 41.380.

S. B. No. 223. AN ACT appropriating funds from the General Expenditure Fund for the payment of prior year claims for the fiscal year ending June 30, 1952.

S. B. No. 226. AN ACT providing the manner and time of electing members of county boards of education in counties containing a city of the first class, if and when an independent school district in a city of the first class is merged with the county school district, and providing for the filling of vacancies in office.

S. B. No. 225. AN ACT proposing an amendment to section 186 of the Constitution of Kentucky, relating to the Common School Fund.

S. B. No. 174. AN ACT relating to sewer and drainage facilities in cities of the first class.

S. B. No. 173. AN ACT relating to sewers and drains in counties in which metropolitan sewer districts have been established.

S. B. No. 193. AN ACT relating to Off-street Parking facilities in Cities, providing for an alternate plan for acquisition.

S. B. No. 259. AN ACT to amend Section 271.155, Ken-

tucky Revised Statutes, relating to shares, classes, and series of stock of private corporations.

S. B. No. 170. AN ACT to amend the Constitution of the Commonwealth of Kentucky relating to the subject of Officers for the State at Large, amending sections 84, 85, 87, 91, 92, 93 and 95 thereof.

S. B. No. 175. AN ACT relating to sewer and drainage facilities in cities of the first class and in counties containing such cities, amending and re-enacting Sections 76.303, 76.080, 76.130, 76.170, and 76.180, Kentucky Revised Statutes.

S. B. No. 251. AN ACT relating to persons convicted of a crime while serving sentences in the State Penal Institutions.

S. B. No. 233. AN ACT relating to the letting of work by the Commissioners of Water Districts, amending Kentucky Revised Statutes 74.260.

S. B. No. 149. AN ACT relating to the establishment, operation and maintenance of public parks in and by any county in the Commonwealth of Kentucky.

S. B. No. 192. AN ACT relating to off-street parking facilities in certain cities.

S. B. No. 258. AN ACT relating to administration and control of alcoholic beverages.

S. B. No. 155. AN ACT to amend and re-enact Section 91.140, Kentucky Revised Statutes, relating to election of officers and the appointment of employees of Sinking Funds of Cities of the first class and prescribing the powers and duties of such officers and employees.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled; and thereupon the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Enrolling Clerk of the Senate deliver the original and enrolled copies of said bills to the House.

After a time the Enrolling Clerk delivered said original and

enrolled copies of said bills duly signed by the Speaker of the House.

Ordered that the Chief Clerk of the Senate deliver said bills to the Governor.

After a time, the Chief Clerk aforesaid reported that he had discharged that duty.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 430. AN ACT relating to alcoholic beverage licenses.

Senator Robinson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	James P. Hanratty	Alvin Kidwell
Eugene H. Clark	Doug Hays	James R. Mansfield
Louis Cox	W. Thomas Hines	Earl F. Martin
Archie Craft	Stanley Hoffman	C. W. A. McCann
Martin J. Duffy	Dr. J. E. Johnson	Strother Melton

Richard P. Moloney	Clay Shackleford	Paul Stapleton
Freeman Robinson	Leon Shaikun	Sylvester Wagner

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Those who voted in the negative were—

Augustus Cornett	James Lassiter	Wendell Van Hoose
Wayne Freeman	Homer E. Losey	Ed P. Warinner
Julian Golden	O. W. Montgomery	John M. Williams
Bert Kiser	Cortis K. Stacy	

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Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 66. AN ACT concerning inheritance taxes.

Senator McCann moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	W. Thomas Hines	Richard P. Moloney
Bernard J. Bonn	Dr. J. E. Johnson	O. W. Montgomery
Augustus Cornett	Alvin Kidwell	William J. Sample
Louis Cox	Bert Kiser	Cortis K. Stacy
Martin J. Duffy	James Lassiter	Paul Stapleton
Ernest M. Ford	Homer E. Losey	Otis C. Thomas
Wayne Freeman	James R. Mansfield	Wendell Van Hoose
Julian Golden	Earl F. Martin	Sylvester Wagner
James P. Hanratty	C. W. A. McCann	E. V. Withers
Doug Hays	Strother Melton	—29

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the Senate do now recess for 10 minutes.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President of the Senate resumed the chair and presided over the Senate.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

H. B. No. 77. AN ACT relating to the compensation of county tax commissioners.

H. B. No. 140. AN ACT relating to traffic regulations and equipment of vehicles.

H. B. No. 132. AN ACT relating to survival of actions, amending section 411.140 of the Kentucky Revised Statutes.

H. B. No. 189. AN ACT authorizing cities of the second

class to provide sewer services to common schools located outside of its boundaries.

H. B. No. 247. AN ACT relating to officers who shall not practice law.

H. B. No. 265. AN ACT to facilitate vehicular traffic in the Commonwealth of Kentucky by providing for the construction, maintenance, repair and operation of bridges; providing for the creation of bridge commissions in cities of the first class and conferring powers and imposing duties upon said commissions; providing for financing the construction of such bridges by the issuance of revenue bonds of said cities, payable solely from tolls and other revenues; providing that no debt of said cities shall be incurred in the exercise of any such powers; providing for the reversion of certain existing bridges; providing for the collection of tolls and other revenues from all such bridges to pay such bonds and the interest thereon and the cost of maintenance, repair and operation; providing for the issuance of revenue refunding bonds; exempting from taxes all such bridges and bonds; and repealing KRS 181.010 (3) and 181.300 to 181.500, inclusive, relating to bridge commissions in cities of the first class.

H. B. No. 332. AN ACT relating to the fees of court commissioners and receivers.

H. B. No. 377. AN ACT amending Section 417.040 of the Kentucky Revised Statutes.

H. B. No. 394. AN ACT changing the classification of the City of Highland Heights, in Campbell County.

H. B. No. 395. AN ACT relating to the excise tax on alcoholic beverages.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate affixed his signature thereto.

Ordered that the Chief Clerk of the Senate deliver the original and enrolled copies of said bills to the Enrolling Clerk of the House,

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

HOUSE MESSAGE

A message which was received from the House of Representatives announced that they had passed bills and resolutions which originated in the Senate of the following titles, viz:

S. B. No. 10. AN ACT relating to the compensation of jury commissioners amending Section 29.060 of the Kentucky Revised Statutes.

S. B. No. 43. AN ACT to amend KRS 74.020 to authorize an increase in the salaries of water district commissioners.

S. B. No. 57. AN ACT relating to the practice of dentistry.

S. B. No. 73. AN ACT relating to the terms of court in the third Judicial District.

S. B. No. 91. AN ACT relating to use of photographic copies of business and public records as evidence.

S. B. No. 116. AN ACT relating to crimes and punishment.

S. B. No. 132. AN ACT relating to social and welfare services in certain cities and counties.

S. B. No. 146. AN ACT relating to liens, amending section 376.150 of the Kentucky Revised Statutes.

S. B. No. 150. AN ACT relating to Workmen's Compensation.

S. B. No. 168. AN ACT changing the classification of the City of Berea, in Madison County.

S. B. No. 185. AN ACT relating to civil jurisdiction of quarterly and justices' courts.

S. B. No. 202. AN ACT changing the classification of the City of Loyall, in Harlan County.

S. B. No. 208. AN ACT relating to election or rejection of

the Workmen's Compensation Act by employes, amending section 342.395 of the Kentucky Revised Statutes.

S. B. No. 227. AN ACT changing the terms of court in the thirty-ninth Judicial District.

S. B. No. 239. AN ACT relating to powers of corporations: Amending Section 271.125 of the Kentucky Revised Statutes.

S. B. No. 240. AN ACT changing the classification of the City of Kuttawa, in Lyon County.

S. B. No. 244. AN ACT relating to the use of recording devices in circuit courts and authorizing their purchase.

S. B. No. 266. AN ACT relating to the terms of court in the Twenty-third Judicial District.

S. Res. No. 33. RESOLUTION directing the Governor to Proclaim the week, including November 19, 1952, "George Rogers Clark Bicentennial Memorial Week" in honor of General Clark on the two-hundredth anniversary of his birth; and authorizing the appointment of a committee to plan and execute a program to memorialize General Clark on that occasion.

S. Res. No. 34. A RESOLUTION authorizing the payment of attorneys' fees, costs of contestant and contestee and Special Commissioner's fee and costs in the contest case of Cox v. Hines. (With Amendment by way of Committee Substitute, in which the House asked the Senate to concur.)

S. Res. No. 35. A JOINT RESOLUTION directing the Department of Conservation to study the establishment of a Park in the Breaks.

Ordered that said bills and resolutions be delivered to the Enrolling Clerk of the Senate.

S. B. No. 238. AN ACT relating to Workmen's Compensation. With House Amendment thereto, in which the House asks the concurrence of the Senate.

S. B. No. 105. AN ACT relating to the stealing of cattle.

With House Amendment thereto, in which the House asks the concurrence of the Senate.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 111. AN ACT relating to the sale of boats and motor vehicles for the purpose of recovering charges and deferred purchase money due thereon, amending section 376.280 of the Kentucky Revised Statutes.

Senator Moloney moved that the Senate concur in House Amendment, which is as follows:
House Amendment to Senate Bill No. 111

On page 1, line 3 through 7; by striking therefrom lines 3 through 7 in their entirety and substituting in lieu of line 7 the following:

"(1) Any boat or motor vehicle remaining in the possession"

Said motion was agreed to.

Thereupon said amendment was concurred in.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

The yeas and nays being taken on the passage of said bill, with House amendment in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	W. Thomas Hines	Strother Melton
Eugene H. Clark	Stanley Hoffman	Richard P. Moloney
Louis Cox	Dr. J. E. Johnson	Freeman Robinson
Archie Craft	Alvin Kidwell	William J. Sample
Martin J. Duffy	Bert Kiser	Clay Shackleford
Ernest M. Ford	James Lassiter	Leon Shaikun
Wayne Freeman	James R. Mansfield	Cortis K. Stacy
James P. Hanratty	Earl F. Martin	Paul Stapleton
Doug Hays	C. W. A. McCann	Otis C. Thomas

Wendell Van Hoose Ed P. Warinner E. V. Withers
Sylvester Wagner John M. Williams —32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with House amendment, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate then took up for consideration Senate Resolution No. 34, which had been returned from the House with amendment by way of House Committee Substitute. Said resolution is entitled as follows, viz:

S. RES. No. 34. A RESOLUTION authorizing the payment of attorneys' fees, costs of contestant and contestee and Special Commissioner's fee and costs in the contest case of Cox v. Hines.

Senator Moloney moved that the Senate concur in said House Amendment by way of Committee Substitute, which is as follows, viz:

COMMITTEE SUBSTITUTE FOR SENATE RESOLUTION NO. 34.

A RESOLUTION authorizing the payment of attorneys' fees, costs of contestant and contestee and Special Commissioner's fee and costs in the contest case of Cox v. Hines.

WHEREAS, W. P. Cox instituted a contest against Thomas W. Hines before the Senate of the Commonwealth of Kentucky, contesting the seat of said Thomas W. Hines therein as Senator from the Seventh Senatorial District; and

WHEREAS, after a recount of all the votes in Warren County in said District, and after divers other proceedings, the contestant, W. P. Cox, has withdrawn his contest, and Thomas W. Hines has continued to occupy his seat from such District, and

WHEREAS, it appears that in connection with said con-

test, the said W. P. Cox has become indebted in or expended the sum of $300.00 for attorneys' fees to John E. Richardson, W. Y. Handy, and Charles R. Bell, and the additional amount of $382.44 for other expenses, and that the said Thomas W. Hines has become indebted in or expended the sum of $300.00 for attorneys' fee to Hubert Meredith and Thomas S. Dawson, and the additional amount of $535.00 for other expenses, and

WHEREAS, it appears that in connection with said contest, the Senate Contest Board retained the services of the Honorable Oldham Clarke, attorney, to act as Special Commissioner, and that he did so act and hold hearings, and submitted his report to the said Board, and that by reason thereof he became reasonably entitled to the sum of $250.00 for his services and the sum of $31.95 for his expenses therein, for the total amount of $281.95;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That is hereby appropriated out of the Legislative Fund the sum of $281.95 to the Honorable Oldham Clarke, Special Commissioner for the Senate Contest Board in the contest between W. P. Cox and Thomas W. Hines for the office of Senator from the Seventh Senatorial District; the sum of $300.00 to John E. Richardson, W. Y. Handy, and Charles R. Bell, attorneys for contestant; the sum of $382.44 to W. P. Cox, contestant, for other expenses in connection with said contest; the sum of $300.00 to Hubert Meredith, and Thomas S. Dawson, attorneys for contestee; and the sum of $535.00 to Thomas W. Hines, contestee, for other expenses in connection with said contest; and the Commissioner of Finance is hereby directed to draw his warrants upon the State Treasurer in favor of the parties mentioned herein for the amounts herein specified.

Said motion was agreed to.

Thereupon said House Amendment by way of Committee Substitute was concurred in.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

The yeas and nays being taken on the passage of said resolution, with House Amendment by way of Committee Substitute, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Louis Cox	Bert Kiser	Leon Shaikun
Archie Craft	James Lassiter	Cortis K. Stacy
Martin J. Duffy	C. W. A. McCann	Paul Stapleton
Ernest M. Ford	James R. Mansfield	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
James P. Hanratty	Strother Melton	Sylvester Wagner
Doug Hays	Richard P. Moloney	Ed P. Warinner
Thomas Hines	O. W. Montgomery	John M. Williams
Stanley Hoffman	Freeman Robinson	E. V. Withers

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Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution, with House Amendment by way of Committee Substitute, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

S. RES. No. 37. A RESOLUTION leading to the care of spactic children in the Commonwealth of Kentucky.

Senator Stapleton moved the adoption of amendment by way of Committee Substitute. (For which see S.J. of March 18, 1952.)

Said motion was agreed to.

Thereupon said amendment by way of Committee Substitue was adopted.

Thereupon said Committee Substitute to S. RES. No. 37 was adopted.

Senator Moloney moved that the Senate do now adjourn until 12 Noon, Friday, March 21, 1952.

Said motion was agreed to.

And then the Senate adjourned.

FRIDAY, MARCH 21, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by Monsignor Joseph A. O'Dwyer, of the Church of the Good Shepherd, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	C. W. A. McCann	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warinner
Julian Golden	Richard P. Moloney	John M. Williams
James P. Hanratty	O. W. Montgomery	E. V. Withers
Doug Hays	Jack R. Reynolds	
Stanley Hoffman	Freeman Robinson	—37

The following Senator was absent—

Thomas Hines —1

Senator Montgomery moved that the reading of the Journal

of the Senate of the proceedings for Thursday, March 20, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Montgomery moved that all absent members be granted leaves of absence.

Said motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

S. B. No. 73. AN ACT relating to the terms of court in the Third Judicial District.

S. B. No. 57. AN ACT relating to the practice of dentistry.

S. B. No. 43. AN ACT to amend KRS 74.020 to authorize an increase in the salaries of water district commissioners.

S. B. No. 10. AN ACT relating to the compensation of jury commissioners amending Section 29.060 of the Kentucky Revised Statutes.

S. B. No. 91. AN ACT relating to use of photographic copies of business and public records as evidence.

S. B. No. 146. AN ACT relating to liens, amending Section 376.150 of the Kentucky Revised Statutes.

S. B. No. 116. AN ACT relating to crimes and punishment.

S. B. No. 168. AN ACT changing the classification of the city of Berea, in Madison County.

S. B. No. 150. AN ACT relating to Workmen's Compensation.

S. B. No. 185. AN ACT relating to civil jurisdiction to quarterly and justices' courts.

S. B. No. 202. AN ACT changing the classification of the City of Loyall, in Harlan County.

S. B. No. 208. AN ACT relating to election or rejection of the Workmen's Compensation Act by employes, amending section 342.395 of the Kentucky Revised Statutes.

S. B. No. 227. AN ACT changing the terms of court in the thirty-ninth Judicial District.

S. B. No. 239. AN ACT relating to powers of corporations; Amending Section 271.125 of the Kentucky Revised Statutes.

S. B. No. 240. AN ACT changing the classification of the City of Kuttawa, in Lyon County.

S. B. No. 204. AN ACT changing the classification of the City of Danville, in Boyle County.

S. B. No. 244. AN ACT relating to the use of recording devices in circuit courts and authorizing their purchase.

S. B. No. 266. AN ACT relating to the terms of court in the twenty-third Judicial District.

S. B. No. 132. AN ACT authorizing certain cities and counties to contribute public funds for charitable and welfare purposes.

S. RES. No. 34. A RESOLUTION authorizing the payment of attorney's fees and costs of contestant and contestee in the contest case of Cox. v. Hines.

Thereupon, all other business was suspended, said bills and said resolution were read at length and compared in open session and found to be correctly enrolled; and thereupon the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Enrolling Clerk of the Senate deliver the original and enrolled copies of said bills and resolution to the House.

After a time the Enrolling Clerk delivered said original and enrolled copies of said bills and resolution duly signed by the Speaker of the House.

Ordered that the Chief Clerk of the Senate deliver said bills and said resolution to the Governor.

After a time, the Chief Clerk aforesaid reported that he had discharged that duty.

At the instance of the Committee on Rules the Senate took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 238. AN ACT relating to Workmen's compensation.

With House Amendments. (See S.J. of March 20, 1952 for amendments)

Senator Moloney moved that the Senate concur in House Amendment No. 1.

Said motion was agreed to.

Thereupon said amendment was concurred in.

Senator Moloney moved that the Senate concur in House Amendment No. 2.

Said motion was agreed to.

Thereupon said amendment was concurred in.

Senator Moloney moved that the Senate concur in House Amendment No. 3.

Said motion was agreed to.

Thereupon said amendment was concurred in.

Senator Moloney moved that the Senate concur in House Amendment No. 4.

Said motion was agreed to.

Thereupon said amendment was concurred in.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with House Amendments, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with House Amendments, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, as amended by the House, having been dispensed with, said bill, as amended by the House, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, as amended by the House, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Jack R. Reynolds
Bernard J. Bonn	Dr. J. E. Johnson	Freeman Robinson
Eugene H. Clark	Alvin Kidwell	William J. Sample
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	James R. Mansfield	Paul Stapleton
Martin J. Duffy	Earl F. Martin	Otis C. Thomas
Wayne Freeman	C. W. A. McCann	Wendell Van Hoose
Julian Golden	Strother Melton	Ed P. Warinner
Doug Hays	Richard P. Moloney	John M. Williams
Thomas Hines	O. W. Montgomery	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, as amended by the House, was passed, be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 105. AN ACT relating to the stealing of cattle.

Senator Moloney moved that the Senate concur in House Amendment thereto, which is as follows, viz:

On Page 1, line 6, by striking therefrom the word "two" and substituting in lieu thereof the word "one"

Said motion was agreed to.

Thereupon said House Amendment was concurred in.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, as amended by the House, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill as amended by the House, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, as amended by the House, having been dispensed with, said bill, as amended by the House, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, as amended by the House, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Martin J. Duffy	Dr. J. E. Johnson
Bernard J. Bonn	Wayne Freeman	Alvin Kidwell
Eugene H. Clark	Julian Golden	Bert Kiser
Augustus Cornett	Doug Hays	James Lassiter
Louis Cox	Thomas Hines	James R. Mansfield
Archie Craft	Stanley Hoffman	Earl F. Martin

C. W. A. McCann	Freeman Robinson	Otis C. Thomas
Strother Melton	William J. Sample	Wendell Van Hoose
Richard P. Moloney	Leon Shaikun	Ed P. Warinner
O. W. Montgomery	Cortis K. Stacy	John M. Williams
Jack R. Reynolds	Paul Stapleton	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, as amended by the House, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the Senate do now recess for 30 minutes.

Said motion was agreed to.

And then the Senate adjourned.

The appointed hour having arrived, the President of the Senate resumed the chair and presided over the Senate.

HOUSE MESSAGE

A message which was received from the House of Representatives announced that they had passed bills and resolutions which originated in the Senate of the following titles, viz:

S. B. No. 25. AN ACT concerning equipment of vehicles.

S. B. No. 176. AN ACT providing mileage for sheriffs in the various counties of the Commonwealth of Kentucky for the mileage traveled in the service of notices, subpoenas, and summons.

S. B. No. 177. AN ACT relating to the fees of sheriffs.

S. B. No. 178. AN ACT relating to the allowance to sheriffs for patrol duties and inspection of dance halls, road houses and other places.

S. Res. No. 37. A RESOLUTION directing the Legislative Research Commission to study the necessity of providing for the care and rehabilitation of spastic children and to report its

findings, together with recommended legislation, to the 1954 Regular Session of the General Assembly.

S. Res. No. 38. A RESOLUTION advocating a commendation for exceptionally meritorius services rendered to the Commonwealth of Kentucky both by the Agricultural and Industrial Development Board and the Governor's Small Business Commission.

S. Res. No. 39. A CONCURRENT RESOLUTION relating to sine die adjournment.

S. Res. No. 40. A JOINT RESOLUTION relating to the care and custody of property of the General Assembly.

Ordered that said bills and resolutions be delivered to the Enrolling Clerk of the Senate.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 356. AN ACT relating to the practice of law and the State Bar Association, amending Section 30.170 of the Kentucky Revised Statutes.

Senator Moloney moved the adoption of Committee amendment, which is as follows, viz:

COMMITTEE AMENDMENT No. to HOUSE BILL NO. 356.

Amend the printed copy of House Bill No. 356

In Section 1(e), line 20, page 2

By deleting the word "ten" after the word "exceed" and placing in lieu thereof the word "five".

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, as amended, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, as amended, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, as amended, having been dispensed with, said bill, as amended, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, as amended, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	Jack R. Reynolds
Bernard J. Bonn	Bert Kiser	William J. Sample
Louis Cox	James Lassiter	Clay Shackleford
Archie Craft	Homer E. Losey	Leon Shaikun
Martin J. Duffy	C. W. A. McCann	Cortis K. Stacy
Ernest M. Ford	James R. Mansfield	Paul Stapleton
Thomas Hines	Earl F. Martin	Otis C. Thomas
Stanley Hoffman	Strother Melton	John M. Williams
Dr. J. E. Johnson	O. W. Montgomery	E. V. Withers

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Those who voted in the negative were—

Eugene H. Clark Wendell Van Hoose —2

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, as amended, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then

took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 292. AN ACT relating to the fees of county clerks for duties in connection with tax bills.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	William J. Sample
Bernard J. Bonn	Bert Kiser	Clay Shackleford
Eugene H. Clark	James Lassiter	Leon Shaikun
Archie Craft	Homer E. Losey	Cortis K. Stacy
Martin J. Duffy	C. W. A. McCann	Paul Stapleton
Ernest M. Ford	James R. Mansfield	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	Strother Melton	Sylvester Wagner
Doug Hays	Richard P. Moloney	Ed P. Warinner
Thomas Hines	O. W. Montgomery	John M. Williams
Stanley Hoffman	Jack R. Reynolds	E. V. Withers
Dr. J. E. Johnson	Freeman Robinson	—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 461. AN ACT changing the classification of the City of Eminence, in Henry County.

Senator Kidwell moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	Homer E. Losey
Bernard J. Bonn	Thomas Hines	C. W. A. McCann
Eugene H. Clark	Stanley Hoffman	James R. Mansfield
Louis Cox	Dr. J. E. Johnson	Strother Melton
Archie Craft	Alvin Kidwell	Richard P. Moloney
Martin J. Duffy	Bert Kiser	O. W. Montgomery
Ernest M. Ford	James Lassiter	Jack R. Reynolds

Freeman Robinson	Cortis K. Stacy	Sylvester Wagner
William J. Sample	Paul Stapleton	Ed P. Warinner
Clay Shackleford	Otis C. Thomas	John M. Williams
Leon Shaikun	Wendell Van Hoose	E. V. Withers

—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 38. A JOINT RESOLUTION authorizing Oscar Crawford, of Hardin County, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	Freeman Robinson
Bernard J. Bonn	Bert Kiser	William J. Sample
Eugene H. Clark	James Lassiter	Clay Shackleford
Louis Cox	C. W. A. McCann	Paul Stapleton
Archie Craft	James R. Mansfield	Otis C. Thomas
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Ernest M. Ford	Strother Melton	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warinner
Thomas Hines	O. W. Montgomery	John M. Williams
Dr. J. E. Johnson	Jack R. Reynolds	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 31. A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Nancy Combs, of Vicco, Kentucky, committee for John Combs.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	Freeman Robinson
Bernard J. Bonn	Bert Kiser	William J. Sample
Eugene H. Clark	James Lassiter	Clay Shackleford
Louis Cox	C. W. A. McCann	Paul Stapleton
Archie Craft	James R. Mansfield	Otis C. Thomas
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Ernest M. Ford	Strother Melton	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warinner
Thomas Hines	O. W. Montgomery	John M. Williams
Dr. J. E. Johnson	Jack R. Reynolds	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day a resolution entitled, viz:

H. RES. No. 32. A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Eli Campbell, of Cornettsville, Kentucky, committee for Ivan Campbell.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	Jack R. Reynolds
Bernard J. Bonn	Alvin Kidwell	Freeman Robinson
Eugene H. Clark	Bert Kiser	William J. Sample
Louis Cox	James Lassiter	Clay Shackleford
Archie Craft	C. W. A. McCann	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Otis C. Thomas
Ernest M. Ford	Earl F. Martin	Wendell Van Hoose
Wayne Freeman	Strother Melton	Sylvester Wagner
Doug Hays	Richard P. Moloney	John M. Williams
Thomas Hines	O. W. Montgomery	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 318. AN ACT relating to the reporting of contributions and expenditures in connection with elections.

Senator Kidwell moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	Jack R. Reynolds
Bernard J. Bonn	Bert Kiser	Freeman Robinson
Eugene H. Clark	James Lassiter	William J. Sample
Louis Cox	Homer E. Losey	Clay Shackleford
Archie Craft	C. W. A. McCann	Leon Shaikun
Martin J. Duffy	James R. Mansfield	Cortis K. Stacy
Ernest M. Ford	Earl F. Martin	Paul Stapleton
Wayne Freeman	Strother Melton	Wendell Van Hoose
Thomas Hines	Richard P. Moloney	John M. Williams
Stanley Hoffman	O. W. Montgomery	E. V. Withers
Dr. J. E. Johnson		

—31

Those who voted in the negative were—

Sylvester Wagner	Ed P. Warinner	

—2

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 439. AN ACT relating to income taxes.

Senator Cox moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	O. W. Montgomery
Bernard J. Bonn	Dr. J. E. Johnson	Jack R. Reynolds
Eugene H. Clark	Alvin Kidwell	Freeman Robinson
Louis Cox	Bert Kiser	William J. Sample
Archie Craft	James Lassiter	Clay Shackleford
Martin J. Duffy	Homer E. Losey	Leon Shaikun
Ernest M. Ford	C. W. A. McCann	Cortis K. Stacy
Wayne Freeman	James R. Mansfield	Paul Stapleton
Doug Hays	Earl F. Martin	Wendell Van Hoose
Thomas Hines	Strother Melton	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The President of the Senate vacated the chair. At this time Senator Sample assumed the chair and presided over the Senate.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 136. AN ACT relating to the equipment of rail track motor cars used or furnished by common carriers by railroad for transporting employes; providing for the extension of necessary time in which to equip said cars; and penalizing those carriers who operate or furnish for operation such unequipped cars to their employes for transportation to or from their place or places of labor.

Senator Kiser moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Bert Kiser	O. W. Montgomery
Archie Craft	James Lassiter	Freeman Robinson
Ernest M. Ford	Homer E. Losey	Leon Shaikun
Wayne Freeman	James R. Mansfield	Paul Stapleton
Doug Hays	Earl F. Martin	Wendell Van Hoose
Thomas Hines	C. W. A. McCann	Sylvester Wagner
Stanley Hoffman	Strother Melton	John M. Williams
Dr. J. E. Johnson	Richard P. Moloney	E. V. Withers
Alvin Kidwell		—25

Those who voted in the negative were—

H. Stanley Blake	Martin J. Duffy	Clay Shackleford
Eugene H. Clark	Jack R. Reynolds	Cortis K. Stacy
Louis Cox		—7

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 172. AN ACT relating to persons handicapped as a result of cerebral palsy, poliomyelitis, muscular dystrophy, or spina bifida.

Senator Reynolds moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Bernard J. Bonn	Bert Kiser	Clay Shackleford
Eugene H. Clark	James Lassiter	Leon Shaikun
Louis Cox	James R. Mansfield	Cortis K. Stacy
Archie Craft	Earl F. Martin	Paul Stapleton
Martin J. Duffy	C. W. A. McCann	Wendell Van Hoose
Ernest M. Ford	Strother Melton	Sylvester Wagner
Wayne Freeman	O. W. Montgomery	Ed P. Warinner
Doug Hays	Jack R. Reynolds	John M. Williams
Thomas Hines	Freeman Robinson	E. V. Withers
Stanley Hoffman		—31

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 28. AN ACT relating to game and fish.

Senator Melton moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	Freeman Robinson
Bernard J. Bonn	Earl F. Martin	William J. Sample
Martin J. Duffy	C. W. A. McCann	Leon Shaikun
Ernest M. Ford	Strother Melton	Paul Stapleton
Wayne Freeman	O. W. Montgomery	John M. Williams
Thomas Hines	Jack R. Reynolds	E. V. Withers
Stanley Hoffman		—19

Those who voted in the negative were—

Eugene H. Clark	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Otis C. Thomas
Doug Hays	James R. Mansfield	Wendell Van Hoose
Bert Kiser	Clay Shackleford	Sylvester Wagner
		—12

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 186. AN ACT relating to warning devices on motor vehicles.

Senator Montgomery moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Alvin Kidwell	O. W. Montgomery
Bernard J. Bonn	Bert Kiser	Freeman Robinson
Martin J. Duffy	James Lassiter	William J. Sample
Ernest M. Ford	Homer E. Losey	Clay Shackleford
Wayne Freeman	James R. Mansfield	Leon Shaikun
Doug Hays	Earl F. Martin	Cortis K. Stacy
Thomas Hines	C. W. A. McCann	Paul Stapleton
Stanley Hoffman	Strother Melton	Wendell Van Hoose
Dr. J. E. Johnson	Richard P. Moloney	Sylvester Wagner

—27

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 41. AN ACT concerning zoning and planning in cities of the first class and in counties containing such cities.

Senator Robinson moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	James Lassiter	Clay Shackleford
Eugene H. Clark	Homer E. Losey	Leon Shaikun
Martin J. Duffy	James R. Mansfield	Paul Stapleton
Ernest M. Ford	C. W. A. McCann	Otis C. Thomas
Wayne Freeman	Richard P. Moloney	Wendell Van Hoose
W. Thomas Hines	O. W. Montgomery	Sylvester Wagner
Dr. J. E. Johnson	Jack R. Reynolds	Ed P. Warinner
Alvin Kidwell	Freeman Robinson	John M. Williams
Bert Kiser	William J. Sample	—26

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At this time Senator Sample vacated the chair. The President of the Senate resumed the chair and presided over the Senate.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

S. B. No. 105. AN ACT relating to the stealing of cattle.

S. B. No. 238. AN ACT relating to Workmen's compensation.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled; and thereupon the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Enrolling Clerk of the Senate deliver the original and enrolled copies of said bills to the House.

After a time the Enrolling Clerk delivered said original and enrolled copies of said bills duly signed by the Speaker of the House.

Ordered that the Chief Clerk of the Senate deliver said bills to the Governor.

After a time, the Chief Clerk aforesaid reported that he had discharged that duty.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 221. AN ACT relating to water districts.

Senator Robinson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	James Lassiter	Leon Shaikun
Louis Cox	Earl F. Martin	Cortis K. Stacy
Martin J. Duffy	C. W. A. McCann	Paul Stapleton
Wayne Freeman	Strother Melton	Otis C. Thomas
W. Thomas Hines	Jack R. Reynolds	Wendell Van Hoose
Stanley Hoffman	Freeman Robinson	Sylvester Wagner
Dr. J. E. Johnson	William J. Sample	Ed P. Warinner
Alvin Kidwell	Clay Shackleford	E. V. Withers
Bert Kiser		—26

There voted in the negative—

James R. Mansfield —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

H. B. No. 6. AN ACT to repeal, amend and re-enact section 95.768, Kentucky Revised Statutes, 1946 Edition, providing for the establishment of a police and firemen's pension fund in cities of the fourth class and for the source, custody, investment and disbursement of said fund.

Senator Stapleton moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Dr. J. E. Johnson	Cortis K. Stacy
Eugene H. Clark	Bert Kiser	Paul Stapleton
Archie Craft	Earl F. Martin	Sylvester Wagner
Martin J. Duffy	Jack R. Reynolds	Ed P. Warinner
Ernest M. Ford	Freeman Robinson	E. V. Withers
W. Thomas Hines	William J. Sample	—17

Those who voted in the negative were—

Louis Cox	C. W. A. McCann	—2

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate then took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. No. 25. AN ACT concerning equipment of vehicles,

With House amendment to title, as follows:

Amend printed copy of Title to Senate Bill 25 on page 1, by adding thereto following the word vehicles the following language "This Act shall be known as the McCann Act."

Senator Moloney moved that the Senate concur in said amendment.

Said motion was agreed to.

Thereupon said amendment was concurred in.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with House Amendment to title, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with House Amendment to title, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with House Amendment to title, having been dispensed with, said bill, with House Amendment to title, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with House Amendment to title, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Martin J. Duffy	Stanley Hoffman
Bernard J. Bonn	Ernest M. Ford	Dr. J. E. Johnson
Eugene H. Clark	Wayne Freeman	Alvin Kidwell
Louis Cox	Doug Hays	Bert Kiser
Archie Craft	Thomas Hines	James Lassiter

Homer E. Losey	Jack R. Reynolds	Otis C. Thomas
C. W. A. McCann	Freeman Robinson	Wendell Van Hoose
James R. Mansfield	William J. Sample	Sylvester Wagner
Earl F. Martin	Clay Shackleford	Ed P. Warinner
Strother Melton	Leon Shaikun	John M. Williams
Richard P. Moloney	Cortis K. Stacy	E. V. Withers
O. W. Montgomery	Paul Stapleton	—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with House Amendment to title, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

HOUSE MESSAGE

A message which was received from the House of Representatives announced that they had passed a bill which originated in the Senate of the following title, viz:

S. B. No. 135. AN ACT to prevent trespassing upon posted railroad property.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled bills and resolutions of the following titles, viz:

S. B. No. 25. AN ACT concerning equipment of vehicles. This act shall be known as the McCann Act.

S. B. No. 177. AN ACT relating to the fees of sheriffs.

S. B. No. 176. AN ACT providing mileage for sheriffs in the various counties of the Commonwealth of Kentucky for the mileage traveled in service of notices, subpoenas, and summons.

S. B. No. 175. AN ACT relating to sewer and drainage facilities in cities of the first class and in counties containing such

cities, amending and re-enacting Sections 76.030, 76.080, 76.130, 76.170, and 76.180, Kentucky Revised Statutes.

S. B. No. 135. AN ACT to prevent trespassing upon posted railroad property.

S. B. No. 178. AN ACT relating to the allowance to sheriffs for patrol duties and inspection of dance halls, road houses and other places.

Thereupon, all other business was suspended, said bills were read at length and compared it open session and found to be correctly enrolled; and thereupon the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Enrolling Clerk of the Senate deliver the original and enrolled copies of said bills to the House.

After a time the Enrolling Clerk delivered said original and enrolled copies of said bills duly signed by the Speaker of the House.

Ordered that the Chief Clerk of the Senate deliver said bills to the Governor.

After a time, the Chief Clerk aforesaid reported that he had discharged that duty.

Senator Sample of the Committee on Enrollment reported that said committee had examined and found to be correctly enrolled bills and resolutions of the following titles, viz:

H. B. No. 66. AN ACT concerning inheritance taxes.

H. B. No. 350. AN ACT relating to motor transportation and motor vehicles.

H. B. No. 430. AN ACT relating to alcoholic beverage licenses.

H. B. No. 446. AN ACT relating to teachers.

H. B. No. 451. AN ACT concerning the elimination of grade crossings in cities of the first class and the issuance of bonds to provide for the payment of the cities' share of the ex-

pense thereof and amending Section 93.330 Kentucky Revised Statutes.

H. B. No. 452. AN ACT concerning the definition, apportionment, payment and records of costs of grade crossing elimination projects in cities of the first class.

H. B. No. 8. AN ACT relating to schools.

H. B. No. 292. AN ACT relating to the fees of County Clerks for duties in connection with tax bills.

H. B. No. 461. AN ACT changing the classification of the City of Eminence, in Henry County.

H. B. No. 356. AN ACT relating to the practice of law and the State Bar Association, amending Section 30.170 of the Kentucky Revised Statutes.

H. B. No. 41. AN ACT concerning zoning and planning in cities of the first class and in counties containing such cities.

H. B. No. 439. AN ACT relating to income taxes.

H. B. No. 6. AN ACT to repeal, amend and re-enact section 95.768 Kentucky Revised Statutes, 1946 Edition, providing for the establishment of a police and firemen's pension fund in cities of the fourth class and for the source, custody, investment and disbursement of said fund.

H. B. No. 318. AN ACT relating to the reporting of contributions and expenditures in connection with elections.

H. B. No. 28. AN ACT relating to game and fish.

H. B. No. 172. AN ACT relating to persons handicapped as a result of cerebral palsy, poliomyelitis, muscular dystrophy, or spina bifida.

H. B. No. 186. AN ACT relating to warning devices on motor vehicles.

H. B. No. 221. AN ACT relating to water districts.

H. B. No. 136. AN ACT relating to the equipment of rail track motor cars.

H. Res. No. 19. A JOINT RESOLUTION authorizing Harry Bowman to file suit against the Commonwealth of Kentucky, the State Department of Welfare, State Division of Hospitals and Mental Hygiene, and Central State Hospital, or any one or more of them.

H. Res. No. 22. A JOINT RESOLUTION authorizing Mrs. Catherine Berghaus to sue the Commonwealth of Kentucky for damages resulting from the death of her son.

H. Res. No. 24. A JOINT RESOLUTION authorizing Alvin Adkins of Paintsville, Kentucky to sue the Commonwealth of Kentucky.

H. Res. No. 27. A JOINT RESOLUTION providing for an investigation, study, and survey by the Constitution Review Commission regarding prosecution in criminal cases on information rather than indictment when the grand jury is not in session.

H. Res. No. 23. A RESOLUTION authorizing the payment of costs and attorney's fees in the contest case of Frazier v. Greene.

H. Res. No. 36. A RESOLUTION relating to certain funds now held by the State Board of Health.

H. Res. No. 46. A JOINT RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission regarding the establishment of a state-supported medical school at the University of Kentucky.

H. Res. No. 47. A JOINT RESOLUTION concerning the official name designation of the State park located within the Pennyrile Forest area located in northern Christian County near Dawson Springs.

H. Res. No. 48. A JOINT RESOLUTION providing for the payment of pauper idiot claims.

H. Res. No. 55. A JOINT RESOLUTION authorizing the Fiscal Court of Calloway County to sue the Commonwealth of Kentucky and the Department of Highways, or either.

H. Res. No. 60. A JOINT RESOLUTION authorizing the

payment of a claim of Dr. W. E. Wyman of LaGrange, Kentucky.

H. Res. No. 61. A JOINT RESOLUTION authorizing and directing payment of a claim of the Lexington Water Company of Lexington, Kentucky.

H. Res. No. 62. A JOINT RESOLUTION recommending the procurement of an automatic roll-call system for use in the House of Representatives of the General Assembly.

H. Res. No. 63. A JOINT RESOLUTION authorizing payment of a claim against the Department of Highways and the Commonwealth of Kentucky.

H. Res. No. 65. A RESOLUTION relating to the Murray State College Basketball Team.

H. Res. No. 10. A JOINT RESOLUTION authorizing Coburn Bach, as the father and next friend of Jimmy Bach, an infant, to sue the Department of Military Affairs and the Commonwealth of Kentucky, or either.

H. Res. No. 11. A JOINT RESOLUTION authorizing Curt McCarty, as the next friend of H. K. McCarty, an infant, to sue the Commonwealth of Kentucky and the Department of Military Affairs, or either.

H. Res. No. 31. A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Nancy Combs of Vicco, Kentucky, committee for John Combs.

H. Res. No. 32. A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Eli Campbell, of Cornettsville, Kentucky, committee for Ivan Campbell.

H. Res. No. 38. A JOINT RESOLUTION authorizing Oscar Crawford, of Hardin County, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Thereupon, all other business was suspended, said bills and resolutions were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate affixed his signature thereto.

Ordered that the Chief Clerk of the Senate deliver the original and enrolled copies of said bills and resolutions to the Enrolling Clerk of the House.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

Senator Moloney moved that the President of the Senate be authorized and directed to appoint a committee to wait upon the House and inform that body that the Senate has now completed the business before it and request the House to appoint a like committee to act on the part of the House in conjunction with the committee on the part of the Senate, and wait upon the Governor of the Commonwealth, to inform him that the House and Senate, composing the General Assembly of the Commonwealth, have completed the business before them, and are now ready to adjourn sine die and to inquire whether the Governor has any further communications to make.

Said motion was agreed to.

Whereupon the President of the Senate announced the appointment of Senators Hays, Clark, Williams, Robinson, Freeman, Duffy and Sample as members constituting said committee.

After a time the said committee reported that they had discharged the duties imposed upon them and that His Excellency, the Governor of the Commonwealth, had no further communication.

The Journals of the Senate were then read and compared and approved by the Senate.

Senator Montgomery moved that the Senate do now adjourn sine die.

Said motion was agreed to.

And then the Senate adjourned sine die.

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